

MINUTES OF THE HOUSE SELECT SECURITY COMMITTEE.

The meeting was called to order by Chairperson Carl Krehbiel upon First Adjournment on April 3, 2002 in Room 514-S of the Capitol.

All members were present except: Bill Levinson

Committee staff present: Robert Waller, Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Dee Ann Woodson, Committee Secretary

Conferees appearing before the committee: Adjutant General Gregory Gardner
Dr. Michael Moser, Kansas Department of Health and Environment
Helen Pedigo, Deputy Counsel and Legislative Advisor to Governor Graves
David Lake, Administrator, Kansas Board of Emergency Medical Services
Rudy Leutzinger, Kansas Department of Human Resources
Lieutenant Colonel Terry Maple, Kansas Highway Patrol
Jim Keating, President, Kansas State Firefighters Association
Jack Taylor, Chief of Emporia Fire Department/Lyon County Emergency Medical Service
Michael Selves, Governmental Affairs Committee Chairman, Kansas Emergency Management Association
(written only)

Others attending: See attached list.

Chairman Krehbiel introduced Adjutant General Gardner who gave a Power Point presentation on Kansas security issues. He explained to Committee members how the state responded to the events of September 11, and the steps that were taken to ensure the safety of Kansans especially in regard to the Wolf Creek Nuclear Plant, chemical plants, water treatment plants, and others.

Adjutant General Gardner said they identified the state's vulnerabilities and recommended legislation that would increase the state's security. He stated that Kansas was in bad shape as far as emergency planning was concerned with only 52 counties out of 105 having emergency plans, and some of them which are new are basically out of date. The General referred to **SB 629**, and explained what the proposed six regional coordinators would do which included assisting counties in writing their emergency plans. Once the plans were written, they would train the county personnel in how to do their roles, help them exercise in those roles, and then they change the plan accordingly if needed. He explained if they would actually have a disaster then those six regional coordinators would go to the Emergency Operation Center in the county, provide assistance, assess damage, coordinate the state's response to facilitate mutual aid, and advise elected officials. (Attachment 1)

The Adjutant General told the Committee that based on the National Emergency Management's (NEM) recommended Kansas should have 288 County Emergency Managers, as opposed to 70 state-wide based on population. He noted that 27% of the Emergency Management Department positions are occupied by full-time personnel. He added that within Region 7, which Kansas occupies, the average number of emergency people in the Kansas Emergency Management (KEM) agency is 1 per 667,000. This constitutes a required total number of 41, and currently Kansas has 22.5. He stated that six regional planners was a very efficient way to solve the problem. He shared the history of the state's Emergency Management planning which began in 1996, and submitted detailed written testimony in support of **SB 541**. (Attachment 2)

General Gardner explained that the Incident Management System (IMS), which is in place in seven states, provides the common organizational structure and terminology to be able to respond to disasters. It

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integrates all the first responders, i.e. fire, EMS, public works, and law enforcement at the local level and it helps integrate the state level into the federal level when we respond to terrorism or to any disaster. He said it uses a common structure that focuses on four key areas: plans, operations, logistics, finance and administration. He reviewed the estimated costs of that system and what is involved with the training of all the individuals involved. General Gardner communicated that they would develop the regional teams by using their experience with building, training, and sustaining their radiological response team for Wolf Creek Nuclear Power Plant. He said they were requesting that the Legislature pass the legislation even it did not have any money, and then explained the impact of no money. He revealed they would implement the IMS, which would take some time; but without the authorization afforded with the passage of the requested legislation he cannot move forward at all.

General Gardner concluded his testimony by saying that the passage of **SB 541** would help them protect the lives and property of Kansans from acts of terrorism and limit long-term economic hardships on our citizens during recovery operations from an incident.

General questions and discussion followed regarding the low cost of training by using volunteer trainers. Discussion followed relating to the dissemination of information and instructions to the communities and public, inter-hospital agreements, a 1-800 number to report suspicious activity, and possibly making emergency information available in different languages. Vice Chairman Tafanelli asked General Gardner to share with the Committee members the various committees involved in state-wide emergency plans and coverage. General Gardner showed a list from his Power Point presentation that gave the major state-wide plans and committees that are in place. These included the Wolf Creek Response Plan, which General Gardner said was the biggest and best that has been prepared; the Public Assistance Plan, which covers such things as the recent ice storms; Human Services Plan, which has currently approximately 10,000 registrations; State Hazard Mitigation Plan, put together by 37 agencies and involves terrorism; the Foreign Animal Plan, which is on its second edition and will be exercised this summer; the Bio-Terrorism Plan; and the Pharmaceutical Stockpile Plan. The Vice Chairman requested a copy of the list of members that comprise those major committees or plans, and the General stated that it would be furnished to the Committee.

SB 541 - Division of emergency management, terrorism preparedness programs and emergency medical response teams

Chairman Krehbiel opened the hearing on **SB 541**, and called upon Helen Pedigo, Deputy Counsel and Legislative Advisor to the Governor, to testify in support of this proposed legislation. (Attachment 3) She said that the Governor's Terrorism Threat and Vulnerability assessment, which was completed in January, recommended the provisions in this bill. Ms. Pedigo added that the Governor included them in his State of the State address as examples of Homeland Security Measures he supports should revenue become available. She offered three amendments, the first of which was contingent upon availability of federal funding for implementation of the programs. She explained that when **SB 541** was proposed, \$2 million was included in the State of the State enhancement proposal for anti-terrorism measures, and that funding was not included in the Governor's most recent budget recommendation. (Attachment 4)

Ms. Pedigo explained the second amendment which provided for tort claims coverage for state employees while training or those activated for emergency response. (Attachment 5) She said the third amendment provides workers compensation coverage amendments by the State of Kansas for those team members who otherwise would not be covered when training or activated for response. (Attachment 6) She stated that the reason behind these amendments was to protect a lot of volunteers from local communities who may not have been regular state employees at the time of a disaster and who may or may not be employees of a local government. Ms. Pedigo and Mr. Phil Harness, Director of the Division of Workers Compensation, clarified what protection the third amendment would afford volunteer members of a regional emergency medical response team.

Committee questions related to coverage when the workers are coming to or going back from an emergency job or event, what were the possibilities of getting federal funding, and the problem of obtaining matching funds from the state.

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Dr. Michael Moser, Kansas State Health Officer and Director of the Division of Health, Kansas Department of Health and Environment (KDHE), addressed the Committee in support of **SB 541**. He said this bill would foster improvements in Kansas preparedness for more effective response to disasters and emergencies, and it was complementary to the efforts being undertaken by KDHE. He also included with his written testimony a copy of the Governor's Executive Order No. 02-02, Establishing the Kansas Bio-terrorism Coordinating Council and The Kansas Hospital Preparedness Planning Committee. (Attachment 7)

Representative Freeborn inquired about any inter-hospital agreements, and Dr. Moser replied there were areas of the state where there were local cooperation plans, but at this time there was no state-wide plan for that type of cooperation. He said that Kansas did not have a centralized health planning authority or activity. He stated that in the wake of September 11, they now have access to some federal funds which will assist them to remedy that deficiency. Dr. Moser revealed that the Department of Health and Human Services through the Health Resources and Services Administration has created a new Hospital Bio-terrorism Preparedness Program. He said that Kansas was eligible during federal fiscal year 2002 for \$1,291,000 through this program. He explained that according to the federal guidelines that govern the program, an essential pre-condition for the expenditure of these funds was the conduct of a state-wide needs assessment and the development of an integrated state plan. He stated that the program was not completed, but it will be as soon as Kansas receives the program funding.

Questions were raised about how the public health facility or county health departments participate in the planning of the Homeland Security measures, cooperation agreements between the states, explanation of the 2000 Emergency Management Assistance Compact (EMAC) in regards to emergency preparedness before September 11 and then after September 11. Dr. Moser explained in detail what has been taking place after the events of September 11, and gave the example of the anthrax problem and detailed how that situation was handled. He also illustrated how their turn-around time and accessibility to files and records have been expedited by electronic means versus the old paper system and manual handling.

Chairman Krehbiel noted to the Committee members that written testimony had been submitted by David Lake, Director of the Board of Emergency Medical Services. (Attachment 8)

The Chairman called for any opponents to the bill, and seeing none he closed the hearing on **SB 541**.

SB 629 - Adjutant general and the division of emergency management; regional emergency management coordinators; incident management system

The Chairman opened the hearing on **SB 629**. Rudy Leutzinger, Administrator of the Industrial Safety and Health Section, Kansas Department of Human Resources, spoke in support of this bill and requested that it be passed. (Attachment 9)

Lt. Colonel Terry Maple, Assistant Superintendent of the Kansas Highway Patrol, testified as a proponent on **SB 629**. He stated that the standardization of training and implementation of a coordinated Incident Management System (IMS) would provide all responders a basic structure, terminology, and unity of command necessary to effectively plan for and to respond to a situation once a disaster strikes. He said that assistance and coordination will aid local areas by helping counties build their emergency plans, training local representatives in their roles, and in designing and conducting exercises that test those plans and roles. He articulated that the Highway Patrol respectfully requested the Committee's favorable consideration on **SB 629**. (Attachment 10)

Jim Keating, President of the Kansas State Firefighters Association, and testified on behalf of the Kansas Fire Service Alliance in strong support of **SB 629**. He explained that developing a plan and having the resources necessary to rework the current state-wide Emergency Management System effected emergency service workers in the successful performance of their work. Mr. Keating added that the use of an Incident Management System during emergencies and disasters which requires the individual to organize the plan, communicate the plan, and coordinate with multiple disciplines if necessary, such as law enforcement, fire, EMS, haz-mat teams, state and federal authorities, private industry and others. (Attachment 11)

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Chairman Krehbiel pointed out to Committee members that written testimony had been submitted in support of **SB 629** by Jack Taylor, Chief of the Emporia Fire Department and Lyon County Emergency Medical Services, and Michael Selves, Governmental Affairs Committee Chairman, Kansas Emergency Management Association. (Attachments 12 and 13)

The Chair asked if there were any opponents appearing to testify, and seeing none he closed the hearing on **SB 629**.

The Chair opened the floor for questions and discussion. Representative Mayans expressed concern over the fiscal implication of section (n) in the bill relating to the development of a regional emergency management system and the use of regional coordinators, and inquired if General Gardner would agree to eliminating section (n). General Gardner replied that if they were fortunate enough to get 100% federal funding, the elimination of that section would not authorize the agency to implement it. He stated that after three years of heading the department, and with the Task Force studies that it was the most efficient way to do it. He added that he knew that Kansas did not have the money to do it now, but having it approved and available would be the best thing for them.

Committee discussion continued regarding concern that the State of Kansas does not have a state-wide coordinated plan to deal with emergencies, and General Gardner clarified that the state does have a plan. However, the problem is that within the 105 counties in Kansas only about half have a local plan. He added that half of the counties have plans that are handled by volunteers, and the state does not have the manpower to create the plan for those counties that currently do not have one. He said they were prepared to add the six regional coordinators to assist the counties in their regions in building their plans, training people and volunteers, and covering the area during times of emergencies or disasters. The Chair requested staff to clarify whether there is a valid fiscal note on the bill. Mr. Waller explained that when Committee members look at a bill there are two different issues which is an appropriations bill as opposed to an enacting bill. He said that basically this bill was authorizing the ability to establish (1) the Incident Management System, and (2) the response teams. However, the bill does not refer to the appropriation money. He stated that a fiscal note says a bill will cost a certain amount of money, but it does not appropriate that money.

Representative Tapanelli asked for clarification on 53 counties not having emergency plans when they are required to, and whether there were state or federal funds provided for the counties to develop their plans. General Gardner responded that all the counties that have approved plans are getting federal money, but there were several requirements for getting that federal money. He said that one of the requirements was that the county has to provide some matching money, which is the problem in 52 of the counties (run by volunteers) which did not have any county funds for this purpose. General Gardner asked his Controller, Geneva Tucker, to share with the Committee members the other various requirements and the assistance his Department gives the counties.

Chairman Krehbiel adjourned the meeting at 2:20 p.m. in order to go back into the House session at 2:30 p.m.. He announced that the Committee would reconvene upon second adjournment today.

Chairman Krehbiel reconvened the House Select Security Committee meeting at 5:45 p.m. in Room 526-S, and referred the Committee members to **SB 629** for discussion and possible action.

Representative Johnson made a motion to move the bill out favorably for passage, seconded by Representative Owens.

Committee discussion involved clarification of the Incident Management System, what it does, and how it coordinates multiple agencies to respond to incidents of emergency or disaster. Representative Shriver explained how this system works between the different local levels and groups within the affected areas and what actions that they have to take to handle the incident.

Representative Goering inquired as to who makes the designation on the regional coordinators, how would they be selected, and would they be classified or unclassified positions. Col. Adam King, representing General Gardner, responded that these positions would be classified and fall under the Division of Emergency Management, but would not work for the Adjutant General as such.

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Representative Loganbill inquired if this committee would have a chance to eventually see the Incident Management System language or review the job descriptions of the regional coordinators at some point in time. Chairman Krehbiel replied that it depended on whether this committee would continue to meet, and if it did he certainly would invite the Adjutant General and his Emergency Management team to come in and address to the Committee. He added if an interim committee on Kansas Security would be allowed, it could also be addressed then.

Representative Freeborn expressed her concern about section (n) regarding Representative Mayans' suggestion to eliminate it, and stated she did not support it and did not want it removed.

Representative Johnson closed on his motion. The Chair called for a vote on the motion, and the motion passed unanimously.

Chairman Krehbiel referred the Committee members to **SB 541** and the three amendments suggested by Helen Pedigo of the Governor's office for discussion and consideration. He asked Helen Pedigo in reference to her first proposed amendment concerning the implementation of the program and the dependance upon the availability of funding, and whenever it would limit the Legislature in execution of the proposed bill. He also inquired if she thought this amendment would prevent the state from implementing the provisions of the bill if state money became available. Ms. Pedigo responded that it depended on how it was interpreted, and it was not her intention to do that. She said it was based on the Governor's earlier recommendations, which were later pulled out of the State's General Fund recommendations.

Chairman Krehbiel asked Mr. Kinzie to clarify the language of the proposed amendment relating to the funding portion. Mr. Kinzie explained that the wording says you have to have some type of federal match, and if there was no federal money available and you don't have state funds, then it would not be implemented. He said it was basically the same as the discussion the Committee had on **SB 629** in that it is similar to the implementation language; therefore, if there is no money to implement then it will not be implemented.

Committee discussion continued with members expressing their concerns that the language was too restrictive, and if the language was left out then whatever money became available could be used to implement this program. Chairman Krehbiel stated that in the absence of a motion to adopt this first proposed amendment the Committee would move on to the second proposed amendment.

The Chairman called the Committee's attention to the second amendment concerning tort claims for consideration and possible action. Representative Hermes made a motion to adopt the proposed amendment, and it was seconded by Representative Holmes. Committee discussion regarded the clarification of section (c), and Ms. Pedigo explained that it did include volunteers and employees, but that most employees would already be covered under the tort claims act. She gave further explanation on the differences of tort claims and who they covered.

There being no further discussion, Representative Hermes moved her motion to adopt. Chairman Krehbiel called for a vote on the motion to adopt the second proposed amendment, and the motion carried unanimously.

The Chair referred the Committee to the third proposed amendment concerning workers compensation for consideration and possible action.

Representative Morrison made a motion to adopt this amendment, seconded by Representative Hermes. There being no further discussion, Representative Morrison moved his amendment. The Chair called for the vote, and the motion carried unanimously.

Representative Hermes made a motion that **SB 541** be passed out favorably as amended, seconded by Representative Wells, and the motion carried.

Chairman Krehbiel announced that the next meeting of the House Select Security Committee would be on call of the Chair. He adjourned the meeting at 6:40 p.m.

Major General Greg Gardner
Testimony on Senate Bill 629
Before the House Select Committee on Kansas Security
April 3, 2002

Mister Chairman, thank you for the opportunity to testify in support of Senate Bill 629 as amended. The bill proposes to supplement K.S.A. 48-928 directing the division of Emergency Management to:

3(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 inter-jurisdictional agencies to prevent, respond to, mitigate, and recover from emergency and disaster situations.

3(o) under the direction of the Adjutant General, implement the use of the incident management system by all State, county, city and inter-jurisdictional agencies during emergency and disaster situations.

The proposed regional emergency management system will use six regional coordinators to assist the counties. They will help counties build their emergency plans, train local representatives in their roles, then design and conduct exercises that test those plans and roles. Once a disaster strikes, these regional coordinators will work in the county emergency operations center coordinating mutual aid and support from other local jurisdictions or state and federal agencies. This will help all 105 counties, but will be critical to the preparation and response to disaster for those counties without full-time Emergency Managers. There are only a handful of full-time county emergency managers; most have other duties, and over 50% are half-time employees or volunteers.

This bill also directs the Division of Emergency Management to implement the use of the Incident Management System (IMS) by State, county, city, and inter-jurisdictional agencies during emergency and disaster situations. This system provides a common organization structure, terminology and unity of command. It allows all first responder and volunteer agencies to integrate horizontally at the local level and vertically through all levels of government from local, state, to the federal level. It provides a modular structure that expands four standard roles (plans, operations, logistics, and finance/administration) to meet the needs of the disaster. FEMA and all the first responder associations endorse this nationally recognized system, and it is already mandated in seven states. (I have included an article on the system from the December 2001 issue of Governing Magazine with my testimony.)

Both the use of the Incident Management System and regional coordinators are supported by the Kansas Commission on Emergency Planning & Response and the Governor's Terrorism Threat & Vulnerability Assessment.

The cost of six regional emergency management coordinators is \$350,000, funded by a 50/50 federal/state split. There is nothing we could do to more effectively improve Kansas preparedness and protect our citizens lives and property than add these regional coordinators.

Fully implementing the Incident Management System will cost \$110,000 (again with a 50/50 split). The Terrorism Working Group feels this is so important to first responders that we should put it in law even if unfunded. Kansas Emergency Management will be implementing this system by regulation so we have flexibility regarding its timeline and, therefore, the cost of implementation.

Please support Senate Bill 629. It will result in a great leap forward for emergency management in Kansas. I stand for your questions.

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 1

Major General Greg Gardner
Testimony on Senate Bill 541
Before the House Select Committee on Kansas Security
3 April 2003

Mister Chairman, thank you for the opportunity to testify in support 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 3,500 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.

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Prior to FY 00, we reimbursed students attending classes for travel, lodging and meals. To maximize training completed per dollar spent, we began in FY 00 to reimburse students for lodging only. What we reimburse after this bill is passed will depend on the funds provided.

Our cost to train 1,000 more people a year in terrorism preparedness is estimated at \$220,000:

- ◆ \$90,000 for 1.5 FTE Program Consultant II's (\$65,480 salaries, \$20,970 benefits, \$3,550 other operating costs) to manage a 29% increase in students.
- ◆ \$130,000 for instructor and student costs (\$20,000 to reimburse contract and volunteer instructors for travel, lodging, per diem and \$100,000 to reimburse 1,000 students for lodging only, plus \$10,000 in class supplies).

Our concept for the Regional Emergency Medical Response Teams is to work in collaboration with the EMS board to create six teams (one in each of the four EMS regions and one in each of our two major population centers). We will develop the teams using our experience with building, training, and sustaining our radiological response team for Wolf Creek Nuclear Power Plant. The Regional Emergency Medical Response Teams will each have three crew members based around an ambulance with specialized equipment giving them the capability to decontaminate and stabilize patients during chemical, biological, radiological, and high explosive incidents.

- ◆ Our estimated cost to equip and train six Regional Emergency Medical Response Teams (assuming they use existing ambulances and normal response equipment) is \$240,000.
 - \$30,000 for .5 FTE from our fiscal section to serve as program manager; to coordinate and track training, administer the budget, access credentials, etc.
 - \$15,000 per team for one time purchase of equipment to respond to nuclear, biological and chemical incidents (above existing ambulance and medical equipment)
 - \$15,000 per team for initial cost of Level A suits that must be replaced every 3 years
 - \$5,000 per team for annual training, exercising, and maintaining certifications
- ◆ After the startup costs for Regional Emergency Medical Response Teams, the annual reoccurring costs are estimated at \$90,000 (\$30,000 program management, \$30,000 training, \$30,000 replacement of protective equipment based on its service life) plus normal inflation

Passing SB 541 will help us protect the lives and property of Kansans from acts of terrorism and limit long-term economic hardships on our citizens during recovery operations from an incident.

Thank you for the opportunity to testify. I would be happy to stand for questions.

House Select Security Committee
Meeting Date: 4-03-02
Attachment No.: 2-2

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OFFICE OF THE GOVERNOR

TESTIMONY ON SB 541 HOUSE SECURITY COMMITTEE

Helen Pedigo

Deputy Counsel and Legislative Advisor to Governor Graves

April 3, 2002

Chairman Krehbiel and members of the committee thank you for the opportunity to testify today in support of SB 541.

SB 541 authorizes:

- 1) a program to provide financial assistance to local units of government for emergency planning and preparedness, and
- 2) a plan for regional emergency medical response teams.

The Adjutant General's Division of Emergency Management with input from the Commission on Emergency Planning and Response is responsible for development and implementation of these programs through a rule and regulation process.

The Governor's Terrorism Threat & Vulnerability assessment, completed in January, 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.

I propose three amendments, attached:

- 1) indicating implementation of these programs is contingent upon availability of federal funding for this purpose. (When SB 541 was proposed, \$2 million was included in the State of the State enhancement proposal for anti-terrorism measures. This funding is not included in the Governor's most recent budget recommendation.)
- 2) provides tort claims coverage as state employees when training or activated for response; and
- 3) provides workers compensation coverage amendments by the State of Kansas for those team members who otherwise would not be covered when training or activated for response.

Thank you for your consideration of this bill. I would be happy answer questions.

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 3

SENATE BILL No. 541

By Committee on Federal and State Affairs

2-7

10 AN ACT relating to the division of emergency management; developing
11 a program for terrorism preparedness; establishing a plan for emer-
12 gency medical response teams; amending K.S.A. 48-928 and K.S.A.
13 2001 Supp. 48-904 and 65-5722 and repealing the existing sections.

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

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

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

23 (b) *“adjutant general” means the adjutant general of the state*
24 *of Kansas;*

25 (c) *“division of emergency management” means the division of*
26 *emergency management created in the office of the adjutant general*
27 *by K.S.A. 48-905, and amendments thereto;*

28 (d) *“disaster” means the occurrence or imminent threat of wide-*
29 *spread or severe damage, injury or loss of life or property resulting*
30 *from any natural or manmade cause, including, but not limited to,*
31 *fire, flood, earthquake, wind, storm, epidemics, contagious or in-*
32 *fectious disease, air contamination, blight, drought, infestation, ex-*
33 *plosion, riot, terrorism or hostile military or paramilitary action;*

34 (e) *“unorganized militia” means all able-bodied male and fe-*
35 *male persons between the ages of 16 and 50 years;*

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

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

43 (h) *“hazardous material” means any substance or material in a*

1 *quantity or form which may be harmful or injurious to the health*
2 *and safety of humans, animals, crops or property when released into*
3 *the environment. Hazardous material includes, but is not limited*
4 *to, explosives, radioactive materials, disease-causing agents, flam-*
5 *mable liquids, solids or gases, combustible liquids, poisons, poison-*
6 *ous gases, oxidizing materials, corrosive materials, irritants, non-*
7 *flammable gases, cryogenics and blasting agents.*

8 ~~Section 1.~~ **Sec. 2.** K.S.A. 48-928 is hereby amended to read as fol-
9 lows: 48-928. In addition to other duties imposed under this act, the
10 division of emergency management shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (l) establish an informational system under which state agencies shall

1 notify the division of emergency management; ~~and~~

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

5 (n) *develop and administer a program to provide financial assistance*
6 *to cities, counties or interjurisdictional disaster agencies for the develop-*
7 *ment and implementation of a terrorism preparedness program. Such pro-*
8 *gram shall provide criteria for receiving such financial assistance and such*
9 *other conditions as the division may deem necessary; and*

10 (o) *develop, implement and administer, with the assistance and advice*
11 *of the commission on emergency planning and response, a plan for re-*
12 *gional emergency medical response teams.*

13 Sec. ~~2~~ 3. K.S.A. 2001 Supp. 65-5722 is hereby amended to read as
14 follows: 65-5722. The commission on emergency planning and response
15 shall have the following functions, powers and duties:

16 (a) Carry out all requirements of the federal emergency planning and
17 community right-to-know act of 1986, 42 U.S.C. 11001-11005, and
18 amendments thereto, hereinafter called the "federal act";

19 (b) provide assistance and advice in establishing policy for the coor-
20 dination of state agency activities relating to emergency training, prepar-
21 edness, planning, and response;

22 (c) provide assistance and advice in establishing policy and proce-
23 dures for chemical release reporting and prevention, transportation, man-
24 ufacture, storage, handling, and use;

25 (d) facilitate and advise the division of emergency management, the
26 adjutant general, and others in the preparation and implementation of all
27 emergency plans prepared by state agencies;

28 (e) facilitate and advise the division of emergency management, the
29 adjutant general, and others in the preparation and implementation of
30 statewide, interjurisdictional, and local emergency plans prepared in ac-
31 cordance with state and federal law;

32 (f) designate, and revise as necessary, the boundaries of emergency
33 planning districts in accordance with the federal act;

34 (g) approve the local emergency planning committee for each emer-
35 gency planning district;

36 (h) review reports about responses to disaster emergencies and make
37 recommendations to the appropriate parties involved in the response con-
38 cerning improved prevention, mitigation, and preparedness;

39 (i) provide assistance and advice to the division of emergency man-
40 agement and the adjutant general in coordinating, advising, or planning
41 tasks related to community right-to-know reporting, toxic chemical re-
42 lease reporting, management of hazardous substances, emergency plan-
43 ning and preparedness for all types of hazards, ~~including terrorism~~ and

. The implementation of such program shall depend upon the availability of federal funding for this purpose

. The implementation of such program shall depend upon the availability of federal funding for this purpose

- 1 emergency planning and preparedness for all types of disasters, as defined
2 in K.S.A. ~~48-925~~ **48-904**, and amendments thereto;
- 3 (j) recommend procedures to integrate, as appropriate, hazardous
4 substance response planning under 42 U.S.C. 11001-11005, federal con-
5 tingency planning under 33 U.S.C. 1321 and other federal laws as appli-
6 cable to hazardous substance discharges, and state, regional, and local
7 planning;
- 8 (k) provide recommendations and advice to the adjutant general and
9 the secretary of health and environment regarding the adoption of reg-
10 ulations as authorized to carry out the purposes of all state hazard pre-
11 paredness and planning laws and the federal act, 42 U.S.C. 11001-11005;
12 and
- 13 (l) approve the fees established by rules and regulations of the ad-
14 jutant general to cover all or part of the total operational costs of imple-
15 menting the provisions of the federal act; and
- 16 (m) *provide assistance and advice to the division of emergency man-*
17 *agement and the adjutant general in developing and implementing a plan*
18 *for regional emergency medical response teams.*
- 19 Sec. ~~3~~ **4**. K.S.A. 48-928 and K.S.A. 2001 Supp. **48-904** and 65-5722
20 are hereby repealed.
- 21 Sec. ~~4~~ **5**. This act shall take effect and be in force from and after its
22 publication in the statute book.

PROPOSED AMENDMENTS TO SENATE BILL NO. 541

Sec. _____. K.S.A. 48-915 is hereby amended to read as follows: 48-915. (a) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer worker, or member of any agency, engaged in emergency management activities. The foregoing shall not affect the right of any person to receive benefits or compensation to which such person otherwise may be entitled under the workers compensation law or any pension law or any act of congress.

(b) Whenever a proclamation is issued declaring a state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer worker, or member of any agency, engaged in any emergency management activities, complying with or reasonably attempting to comply with this act, or any proclamation, order, rule and regulation promulgated pursuant to the provisions of this act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity performed during the existence of such state of disaster emergency or other such state of emergency.

(c) Any member of a regional medical emergency response team created under the provisions of K.S.A. 48-928, and amendments thereto, shall be deemed a state employee under the Kansas tort claims act, K.S.A. 75-6101, et seq., and amendments thereto.

Sec. _____. K.S.A. 2001 Supp. 75-6102 is hereby amended to

read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) "State" means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) "Municipality" means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) "Governmental entity" means state or municipality.

(d) "Employee" means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable health care provider. Employee includes any steward or racing judge appointed pursuant to K.S.A. 74-8818, and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor, but does not otherwise include any independent contractor under contract with a governmental entity except (1) employees of the United States marshal's service engaged in the transportation of inmates on behalf of the secretary of corrections, (2) a person who is an employee of a nonprofit independent contractor, other than a municipality, under contract to provide educational or vocational training to inmates in the custody of the secretary of corrections and who is engaged in providing such service in an institution under the control of the secretary of corrections provided that such employee does not otherwise have coverage for such acts and omissions within the scope of their employment through a liability insurance contract of such independent contractor; and (3) a person who is an employee or volunteer of a

nonprofit program, other than a municipality, who has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice to provide a juvenile justice program for juvenile offenders in a judicial district provided that such employee or volunteer does not otherwise have coverage for such acts and omissions within the scope of their employment or volunteer activities through a liability insurance contract of such nonprofit program. "Employee" also includes an employee of an indigent health care clinic. "Employee" also includes former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity. "Employee" also includes any member of a regional medical emergency response team, created under the provisions of K.S.A. 48-928, and amendments thereto, in connection with authorized training or upon activation for an emergency response.

(e) "Community service work" means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663, and amendments thereto.

(f) "Charitable health care provider" means a person licensed by the state board of healing arts as an exempt licensee or a federally active licensee, a person issued a limited permit by the state board of healing arts, a ~~physician's~~ physician assistant registered licensed by the state board of healing arts or a health care provider as the term "health care provider" is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A.

75-6120, and amendments thereto, who, pursuant to such agreement, gratuitously renders professional services to a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section or to a person receiving medical assistance from the programs operated by the department of social and rehabilitation services, and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto;

(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children's immunization programs administered by the secretary; or

(3) a local health department or indigent health care clinic, which renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of social and rehabilitation services gratuitously or for a fee paid by the local health department or indigent health care clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 75-6120 and amendments thereto. Professional services rendered by a provider under this paragraph (3) shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent health care clinic and notwithstanding any fee paid by the local health department or indigent health care clinic to a provider in accordance with this paragraph (3).

(g) "Medically indigent person" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.

(h) "Indigent health care clinic" means an outpatient medical care clinic operated on a not-for-profit basis which has

a contractual agreement in effect with the secretary of health and environment to provide health care services to medically indigent persons.

(i) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241 and amendments thereto.

NOTE: Also repeal K.S.A. 2001 Supp. 75-6102a

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44-577. Same; claims for compensation by state employees; service of claims; defense of fund. (a) All claims for compensation under the workers compensation act against any state agency for claims arising on and after July 1, 1974, and claims for compensation remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation services shall be made against the state workers compensation self-insurance fund. Such claims shall be served upon the secretary of administration in the secretary's capacity as administrator of the state workers compensation self-insurance fund in the manner provided for claims against other employers under the workers compensation act. The chief attorney for the department of administration, or another attorney of the department of administration designated by the chief attorney, shall represent and defend the state workers compensation self-insurance fund in all proceedings under the workers compensation act.

(b) The secretary of administration shall investigate, or cause to be investigated, each claim for compensation against the state workers compensation self-insurance fund. For the purposes of such investigations, the secretary of administration is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, the secretary of administration finds that there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, the secretary of administration may proceed to enter into such an agreement with the claimant, for the state workers compensation self-insurance fund. Any such agreement may provide for lump-sum settlements subject to approval by the director and all such agreements shall be filed in the office of the director for approval as provided in K.S.A. 44-527 and amendments thereto. All other claims for compensation against such fund shall be paid in accordance with the workers compensation act pursuant to final awards or orders of an administrative law judge or the board or pursuant to orders and findings of the director under the workers compensation act.

(c) For purposes of the workers compensation act, a volunteer member of a regional emergency medical response team as provided in K.S.A. 48-928 and amendments thereto shall be considered a person in the service of the state in connection with authorized training and upon activation for emergency response, except when such duties arise in the course of employment, or as a volunteer, for an employer other than the state.

44-510h. Medical compensation; change of health care provider; examination by alternate health care provider; faith healing; preventative hepatitis treatment. (a) It shall be the duty of the employer to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto, as may be reasonably necessary to cure and relieve the employee from the effects of the injury.

(b) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of three health care providers who, if possible given the availability of local health care providers, are not associated in practice together. The injured employee may select one from the list who shall be the authorized treating health care provider. If the injured employee is unable to obtain satisfactory services from any of the health care providers submitted by the employer under this paragraph, either party or both parties may request the director to select a treating health care provider.

(2) Without application or approval, an employee may consult a health care provider of the employee's choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of \$500. The amount allowed for such examination, diagnosis or treatment shall not be used to obtain a functional impairment rating. Any medical opinion obtained in violation of this prohibition shall not be admissible in any claim proceedings under the workers compensation act.

(c) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the following conditions:

(1) The employer or the employer's insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) of this subsection may withdraw from the agreement on 10 days' written notice.

(d) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, ambulance attendant, mobile intensive care technician or firefighter, *driver of ambulance as defined in subsection(b) of K.S.A. 65-6112, ambulance attendant as defined in subsection (d) of K.S.A. 65-6112 and amendments thereto, or a member of a regional emergency medical response team as provided in K.S.A. 48-928*, including any person who is serving on a volunteer basis in such capacity, for all reasonable and necessary preventive medical care and treatment for

hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.

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44-511. Average gross weekly wage computation; average yearly wage; state's average weekly wage. (a) As used in this section:

(1) The term "money" shall be construed to mean the gross remuneration, on an hourly, output, salary, commission or other basis, at which the service rendered is recompensed in money by the employer, but it shall not include any additional compensation, as defined in this section, any remuneration in any medium other than cash, or any other compensation or benefits received by the employee from the employer or any other source.

(2) The term "additional compensation" shall include and mean only the following: (A) Gratuities in cash received by the employee from persons other than the employer for services rendered in the course of the employee's employment; (B) any cash bonuses paid by the employer within one year prior to the date of the accident, for which the average weekly value shall be determined by averaging all such bonuses over the period of time employed prior to the date of the accident, not to exceed 52 weeks; (C) board and lodging when furnished by the employer as part of the wages, which shall be valued at a maximum of \$25 per week for board and lodging combined, unless the value has been fixed otherwise by the employer and employee prior to the date of the accident, or unless a higher weekly value is proved; (D) the average weekly cash value of remuneration for services in any medium other than cash where such remuneration is in lieu of money, which shall be valued in terms of the average weekly cost to the employer of such remuneration for the employee; and (E) employer-paid life insurance, health and accident insurance and employer contributions to pension and profit sharing plans. In no case shall additional compensation include any amounts of employer taxes paid by the employer under the old-age and survivors insurance system embodied in the federal social security system. Additional compensation shall not include the value of such remuneration until and unless such remuneration is discontinued. If such remuneration is discontinued subsequent to a computation of average gross weekly wages under this section, there shall be a recomputation to include such discontinued remuneration.

(3) The term "wage" shall be construed to mean the total of the money and any additional compensation which the employee receives for services rendered for the employer in whose employment the employee sustains an injury by accident arising out of and in the course of such employment.

(4) The term "part-time hourly employee" shall mean and include any employee paid on an hourly basis: (A) Who by custom and practice or under the verbal or written employment contract in force at the time of the accident is employed to work, agrees to work, or is expected to work on a regular basis less than 40 hours per week; and (B) who at the time of the accident is working in any type of trade or employment where there is no customary number of hours constituting an ordinary day in the character of the work involved or performed by the employee.

(5) The term "full-time hourly employee" shall mean and include only those employees paid on an hourly basis who are not part-time hourly employees, as defined in this section, and who are employed in any trade or employment where the customary number of hours constituting an ordinary working week is 40 or more hours per week, or those employees who are employed in any trade or employment where such employees are considered to be full-time employees by the industrial customs of such trade or employment, regardless of the number of hours worked per day or per week.

(b) The employee's average gross weekly wage for the purpose of computing any compensation benefits provided by the workers compensation act shall be determined as follows:

(1) If at the time of the accident the money rate is fixed by the year, the average gross weekly

wage shall be the yearly rate so fixed divided by 52, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime as computed in paragraph (4) of this subsection.

(2) If at the time of the accident the money rate is fixed by the month, the average gross weekly wage shall be the monthly rate so fixed multiplied by 12 and divided by 52, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection.

(3) If at the time of the accident, the money rate is fixed by the week, the amount so fixed, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime as computed in paragraph (4) of this subsection, shall be the average gross weekly wage.

(4) If at the time of the accident the employee's money rate was fixed by the hour, the employee's average gross weekly wage shall be determined as follows: (A) If the employee was a part-time hourly employee, as defined in this section, the average gross weekly wage shall be determined in the same manner as provided in paragraph (5) of this subsection; (B) if the employee is a full-time hourly employee, as defined in this section, the average gross weekly wage shall be determined as follows: (i) A daily money rate shall first be found by multiplying the straight-time hourly rate applicable at the time of the accident, by the customary number of working hours constituting an ordinary day in the character of work involved; (ii) the straight-time weekly rate shall be found by multiplying the daily money rate by the number of days and half days that the employee usually and regularly worked, or was expected to work, but 40 hours shall constitute the minimum hours for computing the wage of a full-time hourly employee, unless the employer's regular and customary workweek is less than 40 hours, in which case, the number of hours in such employer's regular and customary workweek shall govern; (iii) the average weekly overtime of the employee shall be the total amount earned by the employee in excess of the amount of straight-time money earned by the employee during the 26 calendar weeks immediately preceding the date of the accident, or during the actual number of such weeks the employee was employed if less than 26 weeks, divided by the number of such weeks; and (iv) the average gross weekly wage of a full-time hourly employee shall be the total of the straight-time weekly rate, the average weekly overtime and the weekly average of any additional compensation.

(5) If at the time of the accident the money rate is fixed by the output of the employee, on a commission or percentage basis, on a flat-rate basis for performance of a specified job, or on any other basis where the money rate is not fixed by the week, month, year or hour, and if the employee has been employed by the employer at least one calendar week immediately preceding the date of the accident, the average gross weekly wage shall be the gross amount of money earned during the number of calendar weeks so employed, up to a maximum of 26 calendar weeks immediately preceding the date of the accident, divided by the number of weeks employed, or by 26 as the case may be, plus the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection. If the employee had been in the employment of the employer less than one calendar week immediately preceding the accident, the average gross weekly wage shall be determined by the administrative law judge based upon all of the evidence and circumstances, including the usual wage for similar services paid by the same employer, or if the employer has no employees performing similar services, the usual wage paid for similar services by other employers. The average gross weekly wage so determined shall not exceed the actual average gross weekly wage the employee was reasonably

expected to earn in the employee's specific employment, including the average weekly value of any additional compensation and the value of the employee's average weekly overtime computed as provided in paragraph (4) of this subsection. In making any computations under this paragraph (5), workweeks during which the employee was on vacation, leave of absence, sick leave or was absent the entire workweek because of illness or injury shall not be considered.

(6) (A) The average gross weekly wage of a person serving on a volunteer basis as a duly authorized law enforcement officer, ambulance attendants and drivers as provided in subsection (b) of K.S.A. 44-508 and amendments thereto, firefighter, ~~under the workers compensation act, members of regional emergency medical response teams as provided in K.S.A. 48-928 and amendments thereto,~~ who receives no wages for such services, or who receives wages which are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the dollar amount closest to, but not exceeding, 112.5% of the state average weekly wage.

(B) The average gross weekly wage of any person performing community service work shall be deemed to be \$37.50.

(C) The average gross weekly wage of a volunteer member of the Kansas department of civil air patrol officially engaged in the performance of functions specified in K.S.A. 1993 Supp. 48-3302 and amendments thereto shall be deemed to be \$476.38. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1988, the average gross weekly wage which is deemed to be the average gross weekly wage under the provisions of this subsection for a volunteer member of the Kansas department of civil air patrol shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the average gross weekly wage deemed to be the average gross weekly wage of such volunteer member under the provisions of this subsection prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(D) The average weekly wage of any volunteer under the workers compensation act, who receives no wages for such services, or who receives wages which are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the usual wages paid by the employer for such services to employees who are not volunteers, or, if the employer has no employees performing such services for wages who are not volunteers, the average gross weekly wage shall be computed on the basis of the usual wages paid for such services by comparable employers to employees who are not volunteers. Volunteer employment is not presumed to be full time employment.

(7) The average gross weekly wage of an employee who sustains an injury by accident arising out of and in the course of multiple employment, in which such employee performs the same or a very similar type of work on a part-time basis for each of two or more employers, shall be the total average gross weekly wage of such employee paid by all the employers in such multiple employment. The total average gross weekly wage of such employee shall be the total amount of the individual average gross weekly wage determinations under this section for each individual employment of such multiple employment.

(8) In determining an employee's average gross weekly wage with respect to the employer against whom claim for compensation is made, no money or additional compensation paid to or received by the employee from such employer, or from any source other than from such employer,

shall be included as wages, except as provided in this section. No wages, other compensation or benefits of any type, except as provided in this section, shall be considered or included in determining the employee's average gross weekly wage.

(c) In any case, the average yearly wage shall be found by multiplying the average gross weekly wage, as determined in subsection (b), by 52.

(d) The state's average weekly wage for any year shall be the average weekly wage paid to employees in insured work subject to Kansas employment security law as determined annually by the secretary of human resources as provided in K.S.A. 44-704 and amendments thereto.

(e) Members of a labor union or other association who perform services in behalf of the labor union or other association and who are not paid as full-time employees of the labor union or other association and who are injured or suffer occupational disease in the course of the performance of duties in behalf of the labor union or other association shall recover compensation benefits under the workers compensation act from the labor union or other association if the labor union or other association files an election with the director to bring its members who perform such services under the coverage of the workers compensation act.

The average weekly wage for the purpose of this subsection shall be based on what the employee would earn in the employee's general occupation if at the time of the injury the employee had been performing work in the employee's general occupation. The insurance coverage shall be furnished by the labor union or other association.

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

Testimony on Senate Bill 541

to

Select Committee on Kansas Security

Presented by

Michael Moser, MD, MPH
Director, Division of Health, Kansas Department of Health and Environment

April 3, 2002

Chairman Krehbiel, members of the Select Committee on Kansas Security. Thank you for the opportunity to offer testimony regarding Senate Bill 541. I am Dr. Michael Moser and I serve as Kansas State Health Officer and Director of the Division of Health for the Kansas Department of Health and Environment (KDHE). In addition, I serve as the Department's representative on the Kansas Commission on Emergency Planning and Response (CEPR).

KDHE is supportive this bill. We believe it will foster improvements in Kansas preparedness for more effective response to disasters and emergencies. KDHE has been working for several years with General Gardner and the Division of Emergency Management to enhance Kansas preparedness against bioterrorism. This bill is complementary to the efforts being undertaken by KDHE. My presence today in support of this bill is in keeping with the collaboration and partnership which our two agencies have developed and intend to continue.

Thank you for your attention. I will do my best to respond to any questions you may have at this time.

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STATE OF KANSAS

BILL GRAVES, Governor
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OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 02-02

ESTABLISHING THE KANSAS BIOTERRORISM COORDINATING COUNCIL AND THE KANSAS HOSPITAL PREPAREDNESS PLANNING COMMITTEE

WHEREAS, Under the authority of Public Law 107-38, the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States and Public Law 107-117, the Defense Appropriations Act, the United States Congress has appropriated approximately \$10,985,143 to the State of Kansas for federal fiscal year 2002 for the Public Health Preparedness and Response Program for Bioterrorism (Cooperative Agreement U90/CCU716985-03-1), and approximately \$1,291,509 to the State of Kansas for federal fiscal year 2002 for the Bioterrorism Hospital Preparedness Program; and

WHEREAS, to meet requirements set out by the Centers for Disease Control and Prevention (CDC) and the Health Resources and Services Administration (HRSA) to receive these funds, the State of Kansas must establish planning committees for each program grant; and

WHEREAS, the State of Kansas is required to complete needs assessments, develop planning processes, and prepare plans for spending the remaining funds;

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Kansas Bioterrorism Coordinating Council and the Kansas Hospital Preparedness Planning Committee.

1. The Kansas Bioterrorism Coordinating Council shall include one representative from each of the following agencies, institutions, groups and others as necessary to carry out the duties of the committee as determined by federal law and the Governor:

- (i) Kansas Department of Health and Environment
- (ii) Kansas Board of Emergency Medical Services
- (iii) Division of Emergency Management, Kansas Adjutant General's Office
- (iv) Kansas Hospital Association
- (v) Veterans Affairs Hospitals
- (vi) Military hospitals
- (vii) Kansas Association for the Medically Underserved
- (viii) Office of Rural Health, Kansas Department of Health and Environment
- (ix) Kansas Medical Society
- (x) Kansas Association of Local Health Departments

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- (xi) Kansas Law Enforcement Training Commission
- (xii) Kansas Highway Patrol
- (xiii) Kansas Fire Marshal
- (xiv) Kansas Advisory Committee on Trauma
- (xv) University of Kansas School of Medicine
- (xvi) Red Cross
- (xvii) Kansas State Nurses Association

The Kansas Bioterrorism Coordinating Council shall draw upon other resources as needed.

2. The executive director of the Kansas Bioterrorism Preparedness and Response Program shall be a senior management staff of the Kansas Department of Health and Environment designated by the Governor. Such individual shall be the agency representative indicated in Section 1 (i).

3. The Kansas Bioterrorism Coordinating Council shall assess bioterrorism public health needs during the planning and implementation process as referenced in the attached "Critical Benchmarks for Bioterrorism Preparedness Planning" items 3 through 16, specifically in the following areas:

- Areas of preparedness planning and readiness assessment
- Surveillance and epidemiology capacity
- Laboratory capacity (biologic agents)
- Laboratory capacity (chemical agents)
- Health alert network/communications and information technology
- Risk communication and health information dissemination
- Education and training.

4. The Kansas Bioterrorism Coordinating Council shall coordinate its activities with the Hospital Preparedness Planning Committee and Metropolitan Medical Response Teams, and other related programs that may follow, so that resources are used efficiently and effectively, avoiding conflict and unnecessary duplication of services.

5. The Kansas Hospital Preparedness Planning Committee shall include, but not be limited to one representative of the following agencies, institutions, groups and others:

- (i) Each of six regions defined by the Kansas Hospital Association
- (ii) Military hospitals
- (iii) Veterans Affairs hospitals
- (iv) Indian Health Services
- (v) University of Kansas Medical Center
- (vi) Division of Emergency Management, Kansas Adjutant General's Office
- (vii) Kansas Board of Emergency Medical Services
- (viii) Office of Rural Health, Kansas Department of Health and Environment

- (ix) Kansas Association for the Medically Underserved
- (x) Kansas Medical Society
- (xi) Kansas Association of Local Health Departments
- (xii) Kansas Department of Health and Environment.

6. The coordinator of the state Bioterrorism Hospital Preparedness Program shall be a senior management staff of the Kansas Department of Health and Environment by the Governor. The executive director of the Kansas Bioterrorism Preparedness and Response Program may serve in this capacity.

7. The medical director of the state Bioterrorism Hospital Preparedness Program shall be a senior management staff of the Kansas Department of Health and Environment designated by the Secretary and approved by the Governor. Such individual shall be the agency representative indicated in Section 5 (viii).

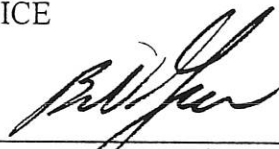
8. The Kansas Hospital Preparedness Planning Committee shall provide guidance, direction and oversight to the state health department in planning for hospital bioterrorism response.

9. Members of the Kansas Bioterrorism Coordinating Council and the Kansas Hospital Preparedness Planning Committee shall serve until August 31, 2003. Such appointments may be extended at the Governor's discretion should Federal programs change.

10. This order supercedes Executive Order No. 02-01. This document shall be filed with the Secretary of State as Executive Order No. 02-02 and is effective immediately.

THE GOVERNOR'S OFFICE

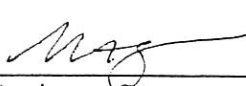
By the Governor



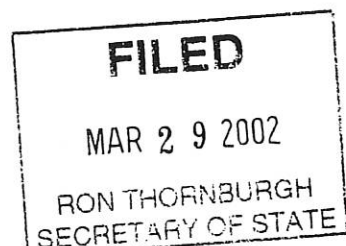
Date 3/27/02



Secretary of State of Kansas



Assistant Secretary of State



House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 7-4

KANSAS BOARD OF
EMERGENCY MEDICAL SERVICES

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David Lake
Administrator

Dennis Allin, M.D.
Chair

Bill Graves
Governor



M E M O R A N D U M

DATE: April 3, 2002

TO: Rep. Carl Krehbiel, Chair and Members
House Select Security 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 is being pursued through the division of emergency management. This is important as current agency funding does not allow for any financial support at either the Local, 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.

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 8

Testimony before Select Committee on Kansas Security
by
Rudy Leutzinger, CIH, CSP
Industrial Safety & Health Section
Kansas Department of Human Resources
April 3, 2002

The Industrial Safety & Health Section of the Department of Human Resources supports SB 629. This bill provides assistance in the development and implementation of regional incident management systems during emergencies and disasters. We believe that, under the direction of the Adjutant General, such a mandate will be beneficial to the citizenry of Kansas.

In our role of inspecting public sector agencies, we frequently identify that emergency response plans are inadequate. In many of these situations, employees have not been trained or advised as to their role in emergencies such as tornadoes or fires in the workplace. Emergency equipment needs, such as emergency lighting and alarms, are often overlooked. Our jurisdiction is limited to the occupational environment, but certainly these identified hazards raise questions about an extended response plan.

We have taken a broader perspective with those agencies required to respond to emergencies and have found many smaller fire departments without the necessary support and direction for responding to large disasters. Standard operating procedures and appropriate training are often inadequate or entirely lacking. Several years ago, our office monitored a Hazardous Waste Operations and Emergency Response (HAZWOPER) course. The course was designed primarily for field technicians who are required to survey hazardous waste sites by sampling soil, ground water, and unidentified containers. We observed that about 30% of the attendees were firefighters and, although much of the information that they received regarding chemical properties and decontamination procedures was applicable to them generally, the procedures specific to emergency responders in large-scale chemical spills, fires, or other disasters were not addressed. Individuals left the course with evidence that they had been trained as first responders under the Occupational Safety & Health Administration (OSHA) standard. This was true, but they did not have the skills or experience necessary to adequately address a true disaster.

We believe that this bill harmonizes with the State Fire Marshal's efforts to address these circumstances and offer our support to the Division of Emergency Management in providing the appropriate guidance. We encourage you to pass SB 629.

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 9

**Kansas Highway Patrol
Summary of Testimony
2002 Senate Bill 629
before the
House Select Committee on Kansas Security
Presented by
Lieutenant Colonel Terry L. Maple
April, 3 2002**

Good morning Mr. Chairman and members of the Committee. I am Lieutenant Colonel Terry L. Maple of the Kansas Highway Patrol. I appear before you this morning on behalf of Superintendent Colonel Don Brownlee in support of Senate Bill 629 which grants the Adjutant General's Office and the Division of Emergency Management certain powers to deal with emergency and disaster situations.

Senate Bill 629 allows the Adjutant General to appoint regional emergency management coordinators; coordinate the training and preparation of state, local, and inter-jurisdictional disaster agencies for emergency and disaster situations; and implement an Incident Management System for use during emergency and disaster situations. The bill also authorizes the Division of Emergency Management to develop a regional emergency management system, and to implement the use of an incident management system for emergency and disaster situations. Lastly, the bill adds "terrorism" to the definition of disaster.

On September 11, 2001 we all watched in horror as the World Trade Center Complex came under terrorist attack. We also became painfully aware of the need to be prepared for and to respond to events of catastrophic proportion. As you are all aware right here in Kansas we have many planned and unplanned events that require the coordination and cooperation of multi jurisdictional entities.

The Kansas Highway Patrol along with many others in this hearing room are the first responders to disasters and other significant events that occur throughout Kansas. As a result, troopers routinely work alongside a multitude of other first responders while responding to an event. The Patrol feels it critical these responders have a uniform structure to work from to effectively manage these events. Senate Bill 629 helps provide that structure.

Coordination to include training and preparation of state, city, county and inter jurisdictional disaster agencies is critical, particularly in areas of the state that do not have full time dedicated emergency management personnel. This assistance and coordination will aid local areas by helping counties build their emergency plans, training local representatives in their roles, and in designing and conducting exercises that test those plans and roles. Once a disaster strikes, a well trained coordinated response will insure efficient operation of the county emergency operations center and coordinated mutual aid and support from other local jurisdictions or state and federal agencies.

Standardization of training and implementation of a coordinated Incident Management System (IMS) will provide all responders a basic structure, terminology, and unity of command necessary to effectively plan for and to respond to a situation once a disaster strikes. This will permit a coordinated, efficient, effective and ultimately insure public safety.

It is with these thoughts in mind that the Patrol respectfully requests your favorable consideration of Senate Bill 629.

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House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 10

TESTIMONY

Reference Senate Bill 629 Amended

Presented to

Select Committee on Kansas Security

Presented by

Jim Keating

President, Kansas State FireFighters Association

Representing the

Kansas Fire Service Alliance

☞ Kansas State Fire Fighters Association

☞ Kansas State Association of Fire Chiefs

☞ Kansas Professional Fire Chiefs Association

House Select Security Committee

Meeting Date: 4-3-02

Attachment No.: 11

Testimony Reference Senate Bill 629 Amended

I am providing this testimony on behalf of the Kansas Fire Service Alliance. The Alliance represents the Kansas State Firefighters Association, Kansas State Association of Fire Chiefs, and the Kansas State Association of Professional Fire Chiefs. The alliance strongly supports Senate Bill 629. This legislation especially addresses two issues of concern to the Kansas Fire Service. These are not issues that have recently become of interest, but are issues that have affected emergency service workers in the successful performance of their work for sometime.

The first issue I will address is the need to develop a plan and have the resources necessary to rework the current statewide emergency management system. In the 1980's, federal laws were enacted that required states to address public awareness, emergency planning and response to hazardous substance releases. Thus state laws were enacted that required such planning, and placed that responsibility on county commissions to appoint someone to the duty of an emergency management director.

Over time in our state we have seen the emergency management system at the county level erode away in many ways. In some counties simply a county worker may be assigned the task along with other full time duties. The duties of an emergency management director will vary greatly from area to area. This in part is due to lack of direction or understanding of just what this position is required to do.

Fire departments across the state, and most especially in rural areas, look first to their local city and county governments for support with incidents that are out of the normal such as hazardous substance releases, major transportation accidents, storms, floods, etc. The emergency manager / administrator has been titled to fulfill this task, but often is not able because of numerous reasons. Those may range from the lack of training of knowing what should be done to lack of support from the county commissions to be equipped and trained to do the job.

Following the events of September 11th, much information was disseminated thru K.D.E.M. to the local county emergency managers, that was to have been passed down to local emergency response agencies, and in many cases the information was not passed on. Local fire departments were being overwhelmed with calls regarding the anthrax problem. Many departments contacted the designated county emergency management director for guidance. Again, many times no assistance was available.

This legislation would provide a system with support that can build an emergency management system, that could aid emergency response agencies as they should be in times when dealing with more than the normal response. Having regional coordinators available across Kansas thru K.D.E.M. will place the necessary resource to educate local governments of the necessity of the emergency management system, educate the person charged with the duty as emergency manager to better do their job and to be available in time of major incidents to assure that available local, state and federal resources are utilized when needed.

The next issue is the use of an incident management system during emergencies and disasters. The Kansas Fire Service actually requested this to be drafted into law. All incidents must be managed with some form of organization for the safety of those responding, as well as for the most timely and efficient response to those who are involved or may become involved.

An incident management system simply states someone must be in charge. That person must have an organizational plan, be able to communicate that plan, coordinate with multiple disciplines if necessary, such as law enforcement, fire, EMS, haz-mat teams, state and federal authorities, private industry and others. The use of an incident management system can be the most effective means of controlling an incident and providing for the most rapid mitigation possible of the emergency or disaster.

Thank You for your interest in public safety and security. Again, we encourage your review and favorable passage of Senate Bill 629.

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 11-2

TESTIMONY

Presented To:

**Kansas House of Representatives
Select Committee on Kansas Security**

Presented By:

**Jack Taylor
Chief
Emporia Fire Department
Lyon County Emergency Medical Services**

Emporia, Kansas

April 3, 2002

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 12

Introduction and Bio

Jack Taylor
P.O. Box 928
Emporia, Kansas 66801
Phone 620-343-4230
Fax 620-341-4395
E-mail jtaylor@emporia.ws

Current Employment and Association Activities

- Chief of Emporia Fire Department/Lyon County Emergency Medical Service for one year. Primarily a full-time department offering the services of fire protection, emergency medical services, technical rescue and code services.
- Member of the Commission on Emergency Planning and Response.
- Member of the Kansas State Fire Marshal Regional Hazardous Materials Response Committee.
- Member of the University of Kansas Fire Service Training Advisory Committee.
- Active member of numerous Kansas and national emergency service organizations.

Past Employment and Association Activities

- Fire Chief of the Liberal Fire Department 1993-2001. A combination fire department in rural, southwest Kansas providing fire protection, first responder and technical rescue.
- Employed 1990-1993 as Associate Program Manager for Firefighter Certification Program at the University of Kansas Fire Service Training.
- Past President of the Kansas Professional Fire Chiefs Association.
- Past member of the Kansas State Fire Marshal Fire Service Council.

This written testimony is presented in full support of the testimony provided by General Gardner, State Adjutant General, and Jim Keating, Kansas Fire Service Alliance, on Senate Bill 629 regarding the use of an Incident Management System by all agencies responding to an emergency incident. As I am sure you have already heard in oral testimony, an Incident Management System (IMS) provides a format for the most efficient, effective and safe use of all resources to bring an incident to a successful outcome. An IMS can be implemented at the smallest incident with a single responding unit from one agency and then expanded to control the very largest disaster with multiple units from multiple agencies from many jurisdictions and levels of government. The fire service has been using such a system for many years with great success. The system is adaptable and equally successful for all disciplines that may be involved in an emergency response. In fact, courses are already available to train personnel from all disciplines in the use of an IMS. One of the best I have seen is presented by Tim Lockett, Kansas Highway Patrol, where responders from the various disciplines are brought together and trained as a group.

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Meeting Date: 4-3-02
Attachment No.: 12-2

I have visited with my fire service peers from across the State on this issue and we urge you to vote favorably on this bill to provide us with one more tool to better protect the public that we serve.

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 12-3



TESTIMONY OF THE KANSAS EMERGENCY MANAGEMENT ASSOCIATION
BEFORE THE KANSAS LEGISLATIVE COMMITTEE ON KANSAS SECURITY
REGARDING SB 629

April 3, 2002

Mr. Chairman, let me begin by thanking you for the opportunity of sharing the views of the Kansas Emergency Management Association on SB 629. **KEMA strongly endorses the passage of, and more importantly, the funding necessary to fully implement, SB 629.**

Established in 1967, KEMA is the single organization representing the local emergency management directors and coordinators across the state. Currently 86 of the 105 county emergency managers are active members of KEMA. KEMA is an affiliate member of the Kansas Association of Counties and is the organization within the state responsible for the certification of emergency management professionals. It is my privilege to represent KEMA before this committee today as its Government Affairs Chairman. Additionally, I am currently Co-Chair of the Government Affairs Committee of the International Association of Emergency Managers, immediate past Chair of the National Association of Counties' (NACo) subcommittee on Emergency Management and a member of the NACo Task Force on Homeland Security. I mention these other positions only to emphasize that the position of KEMA regarding the importance of local emergency preparedness is consistent with that of a number of major national organizations.

For the past 14 years that I have been involved in the Emergency Management profession, virtually every major critique of disaster situations nationwide consistently resulted in one single, overriding conclusion -- the success or failure of disaster response and recovery primarily depends on the knowledge, commitment and preparedness of local governments. Without the existence, in advance, of an integrated, coordinated and systematic emergency management program at the local level, confusion will result, help to victims will be delayed and the ultimate costs of disasters will rise. Each time a national or state task force has received input from local officials regarding their disaster experiences, they have found that even the best-prepared counties have had difficulties and problems. They have found that ill- or non-prepared counties have provided virtually

no help to their citizens beyond the individual (and often heroic) efforts of emergency response personnel. A lack of coordination of all aspects of local government and private relief efforts leads to confusion, lack of public confidence, and wasted and misdirected effort and resources. State and federal effort is delayed and often inefficient due to a lack of reliable and timely local assessments of damage and needs. In past disasters in Kansas we had a few counties who, as much as three months following the disaster, had not only failed to provide public assistance program damage assessments but were even unaware that such programs existed.

Effective, coordinated local efforts depend on two basic factors: First, that there is a minimum essential county-level program of emergency management/preparedness built around a state-approved local emergency operations plan and headed by a qualified, trained coordinator/director. This program must have the ability to enlist all elements of the public and private sector locally in a disaster/emergency planning effort. The coordinator must have the ability (under the direction of the county commission) to maintain knowledge of and coordinate local efforts during a disaster, to advise the chief elected officials on emergency management matters, to direct local damage and needs assessments and to request the assistance of and coordinate with state and federal emergency management officials. While such capability is essential and required by state law, far too many of our counties fall woefully short in providing even the minimum in the way of emergency preparedness.

Secondly, local elected officials must have at least a basic understanding of the purpose and objectives of an organized and systematic program of emergency management and must support the efforts of county coordinators. Such understanding and support is even more rare in Kansas's counties. Even in the light of September 11th, limited budgets and a perception of unfunded mandates by both the federal and state governments, many local officials are still indifferent, if not hostile, to the concept of emergency management.

The concept contained in SB 629 and the implementation of it can directly and effectively go a long way toward changing this situation. The regional Emergency Management coordinators envisioned in the bill can provide vital support to counties by:

1. Actively supporting established state minimum standards for local E.M. programs.
2. Assessing local preparedness efforts and response capabilities.
3. Actively working with all county E.M. agencies to develop specific strategies to meet standards and/or improve the status of the local E.M. program.
4. Providing State-level liaison with local Emergency Managers during major emergency/disaster events.
5. Providing programmatic guidance and technical assistance as requested.

While the State has established minimum standards in KAR 56-2, KDEM has not had the resources to pursue an organized, aggressive program to inform the counties of these requirements or to assess the degree to which these standards are being met. There are no positions within KDEM with the primary responsibility to evaluate county programs or assist the county Emergency Managers in improving their programs or in "selling" the concept of Integrated Emergency Management when it is called into question at the county level. During major emergencies/disasters, the KDEM has only limited ability to provide qualified Emergency Management personnel in a liaison role. This lack was strikingly evident in the 93 Flood and still exists. The KDEM is able to provide some programmatic and technical help when requested by county coordinators. Many coordinators, however, have not received sufficient training or orientation to know how to ask. From approximately 1975 to 1992, KDEM had two personnel assigned to work directly with counties on a part-time basis. From 1992 until 1995 there was one person officially assigned full-time to work directly with counties. Since 1995 there has been no formal organizational element with such responsibility. Currently there are teams of personnel from KDEM assigned to various areas of the state. All of these personnel are assigned full-time program responsibilities within the Division and act as "county team" members only in an additional duty capacity. The result is that there is a wide variance in the level of attention they are able to give to local programs throughout the state.

A robust, well-developed local Emergency Management program could survive and compensate for such limited state support. Unfortunately, the state of local Emergency Management is not good. Only about half of Kansas counties have coordinators who meet minimum qualifications under current State regulations. Significantly less than half have up-to-date Emergency Management resolutions as required by State regulations. A great many counties provide their Emergency Management functions with the minimum support as required by State regulations. A significant number of Local Emergency Planning Committees responsible for contingency planning for hazardous materials are inactive and not adequately performing their responsibilities. Some counties have virtually no Emergency Management programs at all.

Many of those coordinators who do take their duties seriously, fight a constant battle to defend the concepts of integrated emergency management against indifference and even outright hostility by local officials. The fact that there is no organized effort to work with counties to meet minimum standards makes this battle significantly more difficult. The Kansas Emergency Management Assn. has, over the past few years, attempted to address this situation by instituting a certification program to raise the level of professionalism of local coordinators, becoming much more active in state and legislative affairs, and providing opportunities for recognizing local coordinators who succeed. Recently, KEMA has prepared a Strategic Plan for the Improvement of Local Emergency Management in Kansas and has been engaged in discussions with the State agency as to how to prioritize and implement a wide range of suggestions. These efforts need to be complemented by a State Emergency Management agency which has the focus and resources to effect significant improvements.

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Specifically, the Governor and Adjutant General are, with this bill, seeking to develop a much more active and effective liaison and support program within the Division of Emergency Management. While we understand that budgets are going to be extremely tight, we believe that much can be accomplished by establishing a genuinely effective local support program consisting of state personnel primarily dedicated to the development of viable programs serving the 105 counties of Kansas. This capability can be achieved by an initiative which combines some restructuring of current positions within the Division, some additional budgetary support from the Legislature, and the assistance and involvement of selected local emergency managers across the State. KEMA has offered on a number of occasions and stands ready now to help the Division in any way possible. Passage of SB 629 will go a long way toward making this capability a reality. In light of the critical issues the nation, state and local governments face in the aftermath of September 11th and the continuing struggle against terrorism, the passage of this bill and the financial support to implement it is absolutely essential.

Thank you for your kind attention.

Michael D. Selves, Director
Johnson County Emergency Management
Governmental Affairs Committee Chairman,
Kansas Emergency Management Assn.

(913) 782-3038
mselves@jocoks.com

House Select Security Committee
Meeting Date: 4-3-02
Attachment No.: 13-4