

## MINUTES

### SPECIAL COMMITTEE ON KANSAS SECURITY

October 21, 2003  
Room 123-S—Statehouse

#### Members Present

Senator Jay Scott Emler, Co-Chairman  
Representative Lee Tafanelli, Co-Chairman  
Senator Jim Barone, Ranking Minority  
Senator Dave Jackson  
Senator Nick Jordan  
Senator Larry Salmans  
Representative Sydney Carlin  
Representative Mario Goico  
Representative Joe Shriver

#### Members Absent

Representative Carl Krehbiel

#### Staff Present

Robert Waller, Kansas Legislative Research Department  
Nicoletta Buonasera, Kansas Legislative Research Department  
Bruce Kinzie, Office of the Revisor of Statutes  
Dee Ann Woodson, Committee Secretary

#### Conferees

Jeff Russell, Director, Division of Legislative Administrative Services  
Gene Krase, Administrator, Division of Emergency Management  
Mindee Reece, Bio-Terrorism Program Director, Department of Health and Environment  
Dr. Marty Vanier, Kansas State University

## Morning Session

Co-Chairman, Senator Emler, called the meeting to order, and asked for brief Committee member introductions. He asked Robert Waller, of the Legislative Research Department, to review the Committee's purpose and duties. Mr. Waller explained that the Committee would review the results of the terrorism exercises recently completed, animal and agricultural terrorism issues, and federal terrorism funding received by the State of Kansas. He informed the Committee that the Legislative Coordinating Council granted the Special Committee on Kansas Security three meeting days during the 2003 interim, which are October 21, November 12, and December 10. He discussed funding issues relating to homeland security funding coming from the federal government, and the creation of the Counsel on Homeland Security by the Governor.

Committee questions and discussion included concerns of proliferation of funding coming into the state and the lack of legislative control. It was suggested that the Committee invite or set up a video conference call with personnel from the Department of Homeland Security to discuss funding issues. Co-Chairman Emler asked Mr. Waller to contact the Department of Homeland Security to appear before the Committee or set up a conference call. Mr. Waller remarked he would also furnish the Committee with copies of the Kansas Homeland Security Grant Matrix, along with the interim reports, in the afternoon session of this meeting.

Co-Chairman Emler called upon Jeff Russell, Director of Legislative Administrative Services (LAS), to give an update of the Continuity of Government Activities, which included three topics: continuity of operations, Capitol complex security threat levels, and building evacuation procedures. Janet Jones, Chief Clerk of the House of Representatives, and Pat Saville, Secretary of the Senate, were also present to answer any Committee questions if needed.

Director Russell informed the Committee that he and a member of his staff have been invited to serve on the Continuity of Operations Committee, which is a standing committee under the Adjutant General's command. The Committee meets on a monthly basis, and attempts to determine the needs of the Legislature during an event and to match those with the Adjutant General Department's capabilities. The Committee is made up of representatives from the Capitol Police, Department of Administration, LAS, and Governor's Office. He said the plans are in the final draft form, and basically, set out the areas of responsibilities based on the various threat levels. Copies of the plan will be furnished to this Committee when finalized.

Director Russell spoke briefly about the off-site data storage that is maintained by Computer Services and LAS. Pertinent information is downloaded on a daily or every-other-day basis and taken off site to provide the capability of continuing legislative business at a temporary location. He added that LAS would be collecting legislators' Topeka telephone numbers in January, in case of some threat or actual event. However, the telephone numbers would not be published and only Janet Jones, Pat Saville, and LAS would have access to those numbers for emergencies.

Regarding building evacuation procedures, Director Russell stated he would have building evacuation procedures for every room in the Capitol that would be distributed to everyone working in the building. The evacuation procedures were designed by the State Fire Marshal with the help of the Topeka Fire Department, in conjunction with the Department of Facilities Management and LAS. Facilities Management would be posting evacuation maps and exit locations in every room that would be updated each month by the State Architect, following ongoing construction projects within the building. Director Russell stated that the decision had not been made whether to conduct an actual evacuation drill during the legislative session. That would be decided by legislative leadership.

Clarification was requested regarding a Committee question as to who was in charge during the evacuation of the Capitol. Director Russell stated that the Capitol Police were in charge of security and evacuations under the supervision of the Department of Administration.

Co-Chairman Emler called upon Gene Kruse, Administrator, Division of Emergency Management, and Mindee Reece, Bio-terrorism Program Director, Department of Health and Environment (KDHE), to give a review of the 2002 Prairie Plague Exercise. They distributed copies of an outline describing the exercise, a state map depicting the six Homeland Security Regions in Kansas, and the Final Report on the Prairie Plague Exercise ([Attachment 1](#)). Mr. Kruse remarked that the two-day event was attended by more than 700 participants and included representatives of 103 of the state's 105 counties. The main purpose of the exercise was to gain insight into the reality of a massive public health crisis from the local perspective, and to identify new planning and training priorities for every level of response.

Mr. Kruse discussed specific objectives of the exercise as outlined in his written testimony. The State Emergency Operations Center, including the Joint Information Center, was activated for the exercise. Agencies involved included those with functions related to crisis and consequence management for a biological attack. Ms. Reece noted that the 2003 exercises, called "Oktoberfest: An Exercise in Terror," are currently underway at six regional locations.

Committee questions and discussion included communication concerns between the various agencies, the lack of towers within the state, shortage of funding for communication systems, and the ability of agencies and emergency personnel to communicate with each other, city to county to state.

Senator Jackson asked how the six security regions were developed. Richard Morrissey, Interim Director, Division of Health, KDHE, who was in attendance, explained that the regions were created in the 1990s by hospital referral patterns. Senator Jackson inquired as to what was being done relating to the coordination of response activities with other states, due to the outbreak of a virus crossing state lines. Ms. Reece discussed the regional activities the state participates in on the public health side, as well as what is being done across state lines, especially in the Kansas City area.

Senator Barone asked what has been learned and what we are doing differently, as a result of these exercises. Mr. Kruse explained that they have clarified roles and responsibilities between state agencies, and those designated at the local level, *i.e.*, county health officials, hospitals, EMS personnel, fire chiefs, and local law enforcement.

Ms. Reece added that through participation in the exercises, state, local, and regional plans have been evaluated as to their effectiveness. These plans can be walked through and improved upon with shared knowledge and experience in order to fill the holes at all levels that become evident when exercised. She stated that when exercises are conducted in the spring or summer of 2004, continual progress will be made toward making sure all entities are ready and prepared to protect the citizens of Kansas. Ms. Reece further explained that templates have been developed based on local and state plans. But until they are tested, it is hard to evaluate whether the plans in practice will achieve what they are intended to do. She remarked that through the exercises the level of preparedness, which is the biggest learning value from the exercises along with the inter-agency collaboration at state and local levels, has greatly improved.

Committee questions and discussion continued regarding funding for the Prairie Plague exercise and the 2003 Oktoberfest exercises, stockpiling of emergency supplies locally, and the federal Homeland Security's stockpiling of some supplies with mobile capability.

Co-Chairman Tafanelli asked who directs the planning for emergency response to other state and local agencies. Mr. Krase responded that the Division of Emergency Management (DEM) of the Adjutant General's Department controls the overall coordination and along side KDHE, DEM goes to the agency to assist in the planning effort.

Co-Chairman Tafanelli inquired if Kansas had a plan template for counties that provides them with specific annexes like smallpox, foreign animal disease, etc. Ms. Reese explained that KDHE has provided each local health department with a template of recommended annexes. That was first done two and one-half years ago, and now in the last 12 months, KDHE has added the smallpox component to the matrix of functions. The aforementioned functions are those actions the state will undertake during a smallpox outbreak, and that a local entity must understand so they can detail how to meet those functions. Locals are given the options of creating either a stand-alone smallpox plan for a local county, on a regional approach, or they can put it as an annex to their state DT plan.

Co-Chairman Tafanelli asked if there was a formal, established, review and approval process that all of the county or state plans have to go through. Mr. Krase responded that the State Emergency Operations Plan is approved by the Governor after going through the various agencies, so they are in agreement on the roles and responsibilities as outlined in the plan. He stated the DEM has the responsibility and authority by state statute to approve the general plan a county would use in a declaration. He stated his agency outlines those roles and responsibilities and sets those planning standards which are currently under revision.

Co-Chairman Tafanelli remarked that a number of counties do not have full time staff to create an emergency plan, and asked if there was a planning template or basic model locals could follow to make their job much easier in completing a plan. He then asked how many counties do not have adequate plans. Mr. Krase replied that for a natural disaster, he estimated that half the county plans are adequate and the rest need major work. He added the reasons for a majority of delays in completing the plans were due to time, manpower, and the fact that many plans are being completed by volunteers.

Co-Chairman Tafanelli inquired in regards to bio-terrorism and the determination process relating to funding passed to affected counties and locals. Ms. Reece responded that funding is determined by a negotiation process between the KDHE and the Kansas Association of Local Health Departments. She noted that process was instituted last year, when funding was made available from the Centers for Disease Control (CDC). She explained that the Association of Local Health Departments stratifies which counties receive an amount of funding. Further, she explained that last year a concerted effort was made to ensure smaller counties received enough to build a basic infrastructure, as opposed to larger metropolitan areas, which have more resources. Ms. Reece remarked that each county health department received a \$20,000 base award plus a population incentive, so the smaller counties received a larger per capita share. During recent negotiations, the Association of Local Health Departments proposed a lower base award of \$12,000, so that more money would actually go into the major metropolitan areas per capita. Ms. Reece stated funding proposals were evaluated from a population-based approach, and then capacity building.

A question was asked relating to how the state was utilizing the assets of its universities in human health activities, to assist in the ability to respond to an event. Ms. Reece discussed a collaboration with the University of Kansas Medical Center, and described various activities that are ongoing. Director Morrissey remarked that the University of Kansas had just received a \$1.2 million federal grant, to be used in providing bio-terrorism training across the state. He noted that KDHE is developing a state plan for training all health care providers within the state, and is linking these two activities. He added that Kansas State University (KSU) is also utilized in regard to conducting KDHE's own training classes by using KSU telecommunications capabilities. KSU is also heavily linked in from a laboratory standpoint.

Co-Chairman Tapanelli asked how much money was received by KDHE for bio-terrorism efforts, who ultimately is responsible for determining funding priorities, and who receives it. Ms. Reece stated that \$12 million was expected from CDC for public health activities, and \$5.1 million from the Health Resources Service Administration for the hospitals. Priorities are set by the funders, and KDHE receives very clear guidance from the CDC with clear-cut deliverable objectives relating to state compliance.

Co-Chairman Tapanelli inquired if Kansas has an integrated state training and exercise plan. Mr. Krase replied no, and stated that DEM recognizes that as an issue and along with the Highway Patrol, which administers the ODP program, are working on that plan. He stated that such a plan could make training much more efficient, not only for state agencies, but for local entities and others who would participate.

Representative Goico asked if there was a plan to coordinate hot spots and doctors. Ms. Reece replied that KDHE presently has training going on for disease surveillance. The Department is developing the infrastructure and sentinel surveillance sites throughout the state, so Kansas can maintain hospitals where regional personnel could come in to look for unusual disease outbreaks. Ms. Reece also discussed the Public Health Information Exchange System, which is a secure web-based system with two-way communication for information sharing with healthcare providers.

Senator Barone requested clarification that West Nile cases are under reported according to news reports. Director Morrissey responded that determining if you have a specific disease problem is very difficult and very complex. In the case of West Nile, there is a range of severity with the disease that spans from people having no symptoms to those who become very ill and die. He added that because of limited testing resources, KDHE focused on those cases that contracted meningitis, encephalitis, or the most severe cases. Director Morrissey stated that KDHE tried to make a public point that a number of people affected by the disease were not at that scale, and has tried to promote the use of defensive protective measures. Director Morrissey agreed that in not reporting the total numbers affected, KDHE may have understated the risks, and citizens should be worried about mosquitoes even though they may not be seeing severe cases in their area. He noted that KDHE had no mistrust in private labs. However, the tests are in their first year of use, and as with most tests, they are not standardized. From a national standpoint, the CDC does not use those tests and we do not have a standard reporting mechanism. This will probably change in the future, although it is unlikely that KDHE will become the central point of testing because of the costs. Director Morrissey stated that KDHE is presently reporting 545 presumptive cases that came from private labs. However, the numbers could possibly be greater, since there is no a requirement that all numbers be reported to KDHE.

Senator Barone expressed his concern of the public's confidence in the reporting, and inquired if there needed to be legislation to require the labs to report. Director Morrissey stated that there are regulations in the state statutes to cover this, and that West Nile had not been added to the list of required reporting, but would be.

Senator Barone asked how the \$17 million allocated from the federal government is proposed to be spent next year, and how it has been spent historically. Ms. Reece stated she could provide those figures to the Committee, but she did not have them memorized. Senator Barone requested that the information be made available to the Committee.

Co-Chairman Tapanelli inquired if there was any formalized process of reporting the results of the exercises conducted, and who was responsible for collecting those lessons learned and then providing that information back to the participants, so improvements can be made before the next training session or series of exercises. Ms. Reece responded that with Prairie Plague, there was little experience within KDHE, and there was no formalized process at that time. She noted that with the

Oktoberfest exercises, KDHE is evaluating as they go, asking participants to provide feedback, identify gaps, and then tailor their technical assistance to those counties in need of assistance.

Co-Chairman Tapanelli asked what was the biggest concern relating to planning and preparedness for a disaster. Mr. Kruse stated he felt it was public information and the confidence in the information itself. Ms. Reece said her greatest concern would be counties that do not have a strong partnership among the necessary players, in order to coordinate a comprehensive response. The challenge lies in how to facilitate cooperation through vertical channels of communication and to establish partnerships to make sure hospitals, public health departments, emergency managers, and the local law enforcement are all talking to one another and coordinating their collective response.

Representative Carlin questioned what kind of response had been collected from within the regions. Ms. Reece stated that a hospital plan had been recently developed for each of the 15 public health bio-terrorism regions, in which some counties overlap a trauma region. She added that one county, Ellis, was not part of one of the bio-terrorism regions, and they are encouraging a regional approach to preparedness and response.

Mr. Kruse stated that with ODP funds, they are in the process of establishing regional homeland security coordinators in each of these regions, as well as the subregion in the Kansas City area, as shown on the maps distributed to the Committee. He hoped to have them operational by the first of the year to help facilitate the traditional regionalization across those areas.

Co-Chairman Emler remarked that he had received a copy of a draft report on the Missouri exercises he participated in during the early part of the summer, and asked if a final report had been issued. Ms. Reece and Mr. Kruse both stated they had not seen nor received a final report or action items on the Missouri event. He expressed concern about losing momentum when there is no final report or follow-up on exercises, and hoped that Kansas would not follow that example.

Co-Chairman Emler inquired if there was something that they needed from the Legislature to help accomplish set goals and objectives. Mr. Kruse informed the Committee that they had evaluated the authorities and alignment of agencies, and whether the state had the authority in law and regulation needed to deal with emergency situations. He remarked the Legislature had made some changes in foreign animal disease response, and suggested that in the near future a decision will have to be made as to how much of this the state will want to retain. Ms. Reece asked the Committee, in terms of local collaboration, to encourage local relationships to build plans and help build teams through their local relationships.

Co-Chairman Emler requested a list of areas or counties where there are problems, and they would then be more than willing to help. Ms. Reece said they would provide a list of areas where the Legislature could help.

Co-Chairman Emler asked Mr. Waller to review the Kansas Security Interim Reports for 2001 and 2002 ([Attachment 2](#)). Copies of the Kansas Homeland Security Grant Matrix - All Years were handed out ([Attachment 3](#)), as well as a list of bills regarding Agricultural Terrorism ([Attachment 4](#)). Mr. Waller went over the interim reports, pointing out proposed legislation HB 2629 was passed during the 2002 session. However, there were a couple of items that were recommendations in the 2002 Interim Report that were not acted upon. Co-Chairman Emler requested Mr. Waller check on the EPA issue and see if that had been resolved, and also verify whether a study still needed to be performed regarding the Capitol Area Police Officer staffing levels. Co-Chairman Tapanelli suggested that he also clarify if anything needs to change with their level of authority.

Mr. Waller explained the Grant Matrix covering all years 1999-2003 (Attachment 3). He noted that the matrix was created by the individual agencies to compile all homeland security funding received by the state, including some portion of the local amount.

Co-Chairman Tafanelli referred to a U.S. General Accounting Office (GAO) document that Mr. Krause had furnished to the Committee regarding the reforming of federal grants (Attachment 5). He suggested they look at a mechanism by which we notify state agencies, and that they flag their budgets based on the criteria as defined in this document. He remarked that he believed tracking federal funding could be accomplished through the STARS system, thus providing visibility to those monies within each agency's budget. Mr. Waller commented he was confident that the matrix contained all funding flowing down to state agencies. He added, however, that all money passed directly to local units of government is also likely included in the matrix. He stated that he was not in a position to confirm that the \$11 million to \$12 million received by local entities (per the matrix) was all that had been received.

Senator Salmans questioned the use of the term "first responders" in various reports, and remarked that it obviously had several different meanings, which caused confusion. Co-Chairman Tafanelli explained that he thought it was an evolving term and is becoming broader in its use. After brief discussion, Co-Chairman Emler stated that there was a need to clarify "first responders," as it could affect the funding for various activities and materials.

Co-Chairman Emler requested Committee members review the GAO report. He recessed the Committee at 12:00 p.m., for a lunch break, to reconvene at 1:30 p.m.

### **Afternoon Session**

Co-Chairman Emler called the meeting to order at 1:30 p.m. and introduced Dr. Marty Vanier, KSU, for a presentation and review of the "High Stakes" Exercise conducted by KSU in conjunction with the Adjutant General's Department, Division of Emergency Management.

Dr. Vanier explained that these are agroterrorism exercises conducted by the State of Kansas, and in conjunction with the National Agricultural Biosecurity Center (NABC) at KSU. She noted that she was a Program Coordinator at NABC, and gave background information on the establishment of the NABC and its responsibilities and research efforts.

In regard to the High Stakes Exercise conducted in June 2003, Dr. Vanier stated that the purpose of the High Stakes simulation was to exercise Kansas local, state, and federal departments and agencies in the preparedness for, response to, and consequence mitigation of an agroterrorism attack on the state's livestock industry. During the exercise, county, state, and federal agriculture and emergency management personnel were brought together and challenged with a scenario replicating a terrorist-introduced outbreak of foot-and-mouth disease (FMD). Dr. Vanier handed out copies of the final report on the exercise (Attachment 6).

Dr. Vanier outlined the objectives, of which the first was to look at local, state, and federal departments and agencies in their roles and responsibilities in responding to an agroterrorism event. Secondly, to determine the support requirements and the assistance that would be necessary from local, state, and federal departments in responding to an outbreak. Third, to evaluate local, state, and federal plans for the coordination of communication operations and coordination of activities. Fourth, to activate, exercise, and evaluate the Kansas Emergency Operation Center in response to an agriculture disaster, and to assess the Kansas Public Information Team in its preparedness for

managing all the public relations and media communications that would be necessary during an outbreak. Finally, they wanted to identify gaps, vulnerabilities, and shortcomings in the plans and relationships to attempt to strengthen the state plan in dealing with an agricultural disaster.

Dr. Vanier explained that the exercise actually covered six days of "play time," November 9 through November 16 of this year, but was one day of real time to actually perform the exercise. She reviewed the numbers, which involved six counties participating in the exercise. She explained estimates suggested that in the first 48 hours of the exercise, November 9-10, there were 80,000 head of cattle infected; November 12-14, there was a combined total of 402,000 head of cattle infected; and by the end of the exercise time, which was November 16, there were 677,000 head of cattle in six counties in the State of Kansas that were considered infected or exposed. Dr. Vanier stated that this was very important because under the purposes of the Federal Response Plan and the State of Kansas' Foreign Animal Disease Response Plan, with respect to foot-and-mouth disease, all of those animals must be destroyed. She noted that not only are the state borders closed immediately when a case of foot-and-mouth disease occurs, but national borders are closed to all exports once a case is confirmed. She emphasized the impact on the state and national economy if such an event would happen.

Dr. Vanier reviewed the issues that were identified during the exercises, which included quarantine and stop movement, mobilization, public information, emergency communications, disease control strategies, carcass disposal, organization and planning, and indemnification.

Committee questions and discussion involved the dangers of false rumors devastating the cattle market (greatly damaging the state's economy), that foot-and-mouth disease exists in every country except Australia and North America, and that the mortality rate of infected animals is about 30 percent and those that survive never return to their prior level of production. Additionally, discussion involved how infected deer or wildlife could possibly affect beef exports, and clarification was provided relating to border closures and what activates that decision.

Senator Barone inquired why South American countries can still export with known disease cases, but this country cannot. He asked if this was our national rule, and Dr. Vanier responded that it was the World Trade Organization's export rule. Senator Barone questioned if a deer in Florida was found to have foot-and-mouth disease, would the entire beef industry in Kansas be prohibited from exporting? Dr. Vanier replied that if there was a confirmed case of foot-and-mouth disease in Florida, that state would be the first state to be shut down. She stated the U.S. Department of Agriculture then begins surveillance of where the deer was found, checking cattle herds to see if there has been any exposure or if cattle are showing any signs of the disease. Through the required period of time to determine this, if no cattle show signs of the disease, then Kansas can continue to export.

Dr. Vanier talked about an agreement with the Department of Agriculture in their creation of a CD-based training and exercise program to educate local and county personnel. She stated that the program illustrates issues that could take place on a county level, and helps promote involvement from the agricultural sector in the county to help them plan a response to a foreign animal disease outbreak. Dr. Vanier demonstrated the CD program, which includes emergency response planning and the phases of emergency response to any disaster, to the Committee. She added that it also includes some information on the Kansas Foreign Animal Disease Response Plan, so they have a sense of the differences between managing a disease response versus something like a tornado or flood.

Dr. Vanier concluded her demonstration by sharing with the Committee some other efforts and resources from other federal departments, to help in various aspects of planning and exercise for agricultural disasters. She noted that KSU currently has a grant from the Department of Defense in which they will use an agroterrorism disaster outbreak plan. The plan is to exercise issues



involving the Kansas National Guard, *i.e.*, activation of the National Guard, the criteria and triggers for the Guard, and how will they interact with their peers in other states by looking at some cross-border issues with, probably, Missouri and Oklahoma.

Dr. Vanier also discussed a second program in 2005 with the Department of Defense to develop the next stage of programming from the lessons previously learned in exercises, using a scenario that would include a zoonotic disease, *i.e.*, West Nile or SARS. She said they would look at the implications for mixing not only agricultural issues, but also public health issues. Dr. Vanier informed the Committee that NABC is involved at the request of the KBI in a grant that recently was given to the KBI through the national Institute of Justice, to look at law enforcement issues that surround an agricultural disaster.

Committee questions and discussion followed the demonstration relating to wildlife diseases being studied and crop diseases and how they might spread through the country.

Co-Chairman Emler asked Dr. Vanier to comment on the new facility at KSU. She stated that KSU would break ground on the new Bio-Security Research Institute on October 24, and the planned building came about as a result of the bonding program the Legislature passed during the 2002 Session. Dr. Vanier explained that the building was going to be unique for a number of reasons. It will be a bio-safety Level 3 building for agricultural use. KSU hopes to integrate both animal disease and plant disease research, and will include some laboratory space for entomology (the study of insects as transmitters of plant and animal diseases). She commented that the single most unique aspect of this building is the fact that it will contain a pilot slaughter and meat processing facility. Dr. Vanier clarified in detail what a Level 3 facility meant in regard to meat processing, and hoped the lab would provide surge capacity for laboratory testing if a disaster occurs, consequently, affording a more timely response.

Co-Chairman Emler expressed the Committee's appreciation for Dr. Vanier's presentation and shared information. He encouraged the Committee members to study the matrix Mr. Waller distributed regarding federal funds.

The next meeting of the Special Committee on Kansas Security is scheduled for Wednesday, November 12, at 9:00 a.m. in Room 123-S.

The meeting was adjourned at 3:00 p.m.

Prepared by Dee Ann Woodson, Secretary  
Edited by Robert Waller and Nicoletta Buonasera

Approved by Committee on:

November 12, 2003