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MEMORANDUM

To: Chairman Waymaster and members of the House Appropriations Committee

From: Jill A. Wolters, First Assistant Revisor

Date: January 23, 2024

Subject: **HB2468**, concerning state of disaster emergencies; requiring the adjutant general to appoint an incident commander for weather-related disasters; establishing coordinating duties of the division of emergency management; establishing the disaster contingency fund for use by the state finance council to match federal grants and funds to respond to such weather-related disaster.

House Bill No. 2468 requires the adjutant general to appoint an incident commander if the governor has declared a state of disaster emergency related to a threat of an imminent weather-related disaster within 24 hours after such proclamation. The adjutant general shall select from the persons who head the responsible agencies, referred to as county emergency managers, in the counties affected by the weather-related disaster for the purposes of leading the emergency management efforts for such emergency. The incident commander shall coordinate with the division of emergency management to apply for and administer all federal or state emergency management grants and other resources related to such weather-related disaster emergency.

During the state of disaster emergency, all county emergency managers in the affected counties shall make requests for moneys and resources, including, but not limited to, supplies, equipment and materials, to the incident commander. The incident commander shall collaborate with the Kansas division of emergency management to disseminate moneys and resources in the affected counties. The Kansas division of emergency management shall lead and coordinate all state resources, working with the state fire marshal, the Kansas forest service and any other state agency as is necessary to respond to the emergency. Other counties may volunteer to respond to the emergency.

After the state of disaster emergency proclamation has terminated, the Kansas division of emergency management shall continue to work with the incident commander to continue to apply for and administer state and federal resources.

If requested by the incident commander or any county emergency manager, the office of recovery in the governor's department, or any other state agency as appointed by the governor if such office no longer exists, shall work with the affected counties to provide workshops, seminars and conferences for the public to:

(A) Assist residents in the affected counties with insurance claims;

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(B) provide information to residents in the affected counties on moneys, resources and benefits available to such residents, including clean-up, repair and donated items.

The governor shall ensure that the office of recovery coordinates with other state agencies to provide information and assistance to the residents in the affected counties.

The bill establishes the disaster contingency fund for the use of the state finance council to match grants of moneys and funds appropriated under any federal act or from any other source to address the weather-related disaster. On July 1, 2023, the director of accounts and reports shall transfer \$10,000,000 from the state general fund to the disaster contingency fund.

If the unencumbered balance in the disaster contingency fund is insufficient to pay an amount that is necessary to finance an action approved by the state finance council, the director of accounts and reports shall transfer an amount equal to the insufficient amount from the state general fund to the disaster contingency fund. The total of all amounts transferred from the state general fund to the disaster contingency fund pursuant to this provision during any fiscal year shall not exceed \$10,000,000.

No expenditures shall be made or obligated against the disaster contingency fund without approval from the state finance council, except that such approval also may be given while the legislature is in session. The bill clarifies that the provisions of this section shall be in addition to any powers and duties of the state finance council concerning the state emergency fund pursuant to law.

The bill amends two statutes in the article concerning emergency preparedness for disasters. K.S.A. 2022 Supp. 48-924 is amended to clarify that if the proclamation is a weather-related disaster emergency proclamation, the provisions of this bill apply. K.S.A. 48-928 is amended to provide for an additional duty of the Kansas division of emergency management is to cooperate with the incident commander pursuant to the provisions of this bill.

If the bill passes out of the Committee, the references to dates in the bill would need to be updated.

The bill becomes effective upon the publication in the statute book.