

MINUTES

KIOWA COUNTY DISASTER RELIEF AND RECOVERY SPECIAL COMMITTEE

July 12-13, 2007
Room 519-S—Statehouse

Members Present

Representative Lee Tafanelli, Chairperson
Senator Ruth Teichman, Vice-Chairperson
Representative Louis Ruiz, Ranking Minority
Senator Janis Lee
Senator Roger Pine
Senator Derek Schmidt
Representative Richard Carlson
Representative John Faber
Representative Dennis McKinney

Staff Present

Kathie Sparks, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Bruce Kinzie, Revisor of Statutes Office
Gordon Self, Revisor of Statutes Office
Gina Bowes, Committee Assistant

Conferees

Major General Tod Bunting, Kansas Adjutant General
Karl McNorton, Chief Deputy, State Fire Marshal's Office
Dr. Howard Rodenberg, Director of Health, Kansas Department of Health and Environment
Dr. Ron Hammerschmidt, Director of Environment, Kansas Department of Health and Environment
Mike Crow, Director of Operations, Kansas Department of Transportation
Joann Corpstein, Chief Attorney, Kansas Department on Aging
Tom Thull, Bank Commissioner, Office of the State Bank Commissioner
Rae Anne Davis, Deputy Secretary for Workforce Development, Kansas Department of Commerce
Steve Kelly, Deputy Secretary for Business Development, Kansas Department of Commerce
Ray Hammarlund, Community Development Director, Kansas Department of Commerce
Dale Dennis, Deputy Commissioner, State Department of Education

Mike Karl, Federal Coordinating Officer, Federal Emergency Management Agency (FEMA)
Robert Waller, Chief Administrator, Board of Emergency Medical Services
Captain Ramon Gonzalez, Jr., Kansas Highway Patrol
Cindy Hermes, Director of Government and Public Affairs, Kansas Insurance Department
Dan Leong, Director of Emergency Preparedness, Kansas Hospital Association
Mary Sweet, Administrator, Kiowa County Memorial Hospital
Joan Wagnon, Secretary, Kansas Department of Revenue
Richard Cram, Director of Policy and Research, Kansas Department of Revenue
Mark Beck, Director of the Division of Property Evaluation, Kansas Department of Revenue
Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services

Others Attending

See attached list.

July 12 Morning Session

Chairman Tafanelli called the meeting to order at 10:07 a.m., introduced staff, and welcomed Major General Tod Bunting to the Committee.

General Bunting provided the Committee with a PowerPoint presentation which contained a briefing of the disaster management process and pictures of the Greensburg devastation and statewide flooding (DR-1699) and the Southeast Kansas flooding (DR 1711) ([Attachment 1](#)). He also provided information on Emergency Support Functions (ESF) and State Coordinating Agencies ([Attachment 2](#)), a State of Kansas State Emergency Operations Center Situation Report No. 16 on the June 30 flooding ([Attachment 3](#)), and a copy of the 2006 Kansas Response Plan ([Attachment 4](#)). General Bunting spoke to the emergency management dimensions which include awareness, prevention, preparedness, mitigation, response and recovery. General Bunting highlighted two of the Homeland Security Presidential Directives (HSPD) as being very successful in disaster relief and recovery of the Greensburg tornado and Southeast Kansas flooding. Those directives are HSPD-5, Management of Domestic Incident, and HSPD-8, National Preparedness, which mandate National Incident Management System (NIMS) and the National Response Plan (NRP). NIMS standardizes incident management processes, protocols, and procedures for use by all responders and mandates use of the Incident Command System (ICS), use of which, General Bunting noted, has also been very successful in incident management. The NRP establishes federal coordination, structures/mechanisms, direction for incorporation of existing plans, and consistent approach to managing incidents. General Bunting's outline of the emergency management process is as follows:

- First there is local response, with a local incident commander. There is a senior elected official at each level of government charged with responsibility for protection and promotion of public health and welfare.
- A local declaration implements a county response plan which is the first step in activating outside resources. All of the county actions are coordinated through a county emergency manager, the county authority is the chair of the county commission.

- The county describes what they need and if they need further assistance, they go through a Kansas Emergency Management Duty Officer who validates, evaluates, and assigns the mission to the appropriate agency.
- The Governor may declare a state disaster which implements the State Emergency Operations Plan. This plan provides coordinated state response to the county. If the state needs additional resources they may go to other states and ask for assistance from the Emergency Management Assistance Compact (EMAC) which is a mutual aid agreement and partnership among states to allow for the exchange of resources when state and local resources are overwhelmed and federal assistance is inadequate or unavailable.

Federal, state, or local level assistance is made available depending on the magnitude of the disaster and the type of declaration made. A Presidential Disaster Declaration allows for federal emergency management assistance as follows:

- Individual Assistance allows for individual and Other Needs Assistance (ONA) program and disaster housing assistance. Individual assistance is available if major damage is greater than 40 percent to over 100 homes. It is funded at the 75 percent level by the federal government with a 25 percent non-federal match.
- Public Assistance allows for public infrastructure monies if damage of \$3.05 per capita in each county and \$1.22 per capita for the state is incurred. In most instances, it is funded at 75 percent by the federal government with a 25 percent non-federal match.
- Hazard Mitigation allots monies to mitigate future storms and is funded 75 percent by the federal government with a 25 percent non-federal match.

General Bunting addressed programs in Greensburg and Kiowa County that they are working toward at this time. One is the Community Disaster Loan Program which is a low-interest federal loan to local governments that have a substantial loss in tax or other revenue due to a catastrophic event. This is a five-year loan to be used for operating expenses but not capital improvements and cannot replace public assistance or be used for federal match for other grants. Another is the Work Force Development Grant implemented by the Department of Commerce. This program is designed to hire people who lost their jobs because of a disaster.

General Bunting gave an outline of the disaster management process. He stated for a Presidential Disaster Declaration to be made, \$3.3 million of damage must be incurred to qualify for individual assistance, public assistance, and hazard mitigation. The damages are for uninsured public and individual property of which farm equipment and farm land is not included.

General Bunting stated at this time the state has nine open disasters and one alert. He commented that in the last year, including agricultural emergencies, there is not a county in Kansas that has not had at least a local disaster declaration. General Bunting stated agricultural designations have a different process by which the programs are all administered through the U.S. Department of Agriculture (USDA). He also addressed the unique authorities in epidemics, animal areas of responsibility, plant areas of responsibility, and the emergency operations center (EOC) and its main functions.

Greensburg is now utilizing the resources of the Long-Term Recovery Program whose mission is to coordinate federal assistance and to support state and local governments in advancing long-term community recovery from the impacts of extraordinary disasters. The Federal Emergency Management Agency (FEMA) Recovery Division coordinates with federal, local, state, private, and volunteer resources. They assess the community situation and help develop a vision of the future and a strategy to achieve that vision. They provide technical support but not direct financial resources.

General Bunting informed the Committee of the Disaster Recovery Center's (DRC) locations related to the Southeast Kansas flood (DR-1711). They are located in Neosho County, Wilson County, Miami County, Elk County, and Montgomery County.

General Bunting stood for questions.

In response to questions related to county emergency managers, General Bunting commented that though all counties have emergency managers to some capacity, many are one-fourth time personnel due to limited resources and that these counties do not have funding resources available for full-time emergency managers.

Senator Lee stated at one time five percent of the state was not covered by National Oceanic and Atmospheric Administration (NOAA) weather radios, and wanted to know if that was still correct or if progress was being made toward rectifying the situation. General Bunting answered that her information was still correct and that progress was delayed due to a problem identifying who funds the radio towers, but would work toward ensuring 100 percent coverage in the state.

Senator Lee also addressed the \$3.3 million threshold to qualify for federal assistance in a disaster and pointed out that it is a problem for rural communities to reach that threshold. The Chairman commented this problem has been identified and there has been discussion with the federal delegation related to it. He also stated that work has been done in coordination with the Adjutant General's Department on legislation for a potential state program to fill in some of those gaps.

Senator Schmidt pointed out an item for discussion related to the flooding in Southeast Kansas. The local emergency manager is often busy with other, possibly more pressing issues, and, if there was someone else in authority, questions and possible solutions could be addressed. He pointed out the need to have someone other than the local emergency manager be given authority to make decisions and some line of authority protocol set in place to handle emergencies that encompasses a large region.

Representative McKinney asked how the command center stayed connected to the community and expressed the challenge of community members knowing who to call, where to go, among other things. Senator Schmidt acknowledged this was a challenge especially with a widespread disaster with multiple communities involved. He stated individuals in remote areas seem disconnected since the command center/emergency manager is structured on a county level.

Senator Teichman expressed concern with the division of services between FEMA and the USDA. She noticed community frustration with FEMA in regard to available aid and resources. Public perception was that FEMA would handle everything, which was not the case in rural areas. She stated there should be more communication with the community regarding FEMA's responsibility and USDA's responsibility. Senator Teichman also stated "business" should be defined, as FEMA does not consider farming to be a business although the rural community considers it to be one. In response to other questions regarding agricultural businesses applying for assistance, it was stated

that USDA was the most prevalent resource for loans; however, there was no grant assistance available. Senator Pine pointed out that the city limits are the “stopping point” for FEMA aid. He also expressed the need for some flexibility of rules in local units of government and noted that, with regard to Greensburg, there was frustration with the local units of government’s authority to make decisions unrelated to the disaster, such as with the open meetings law.

Discussion followed regarding the state’s plan for additional resources when its resources and equipment have been exhausted. General Bunting stated there is an established process in place for this.

The Chairman asked whether the state and federal agencies were planning a formalized after action review of both the Greensburg disaster and the Southeast Kansas flooding. General Bunting responded that there were already two mid-size after action reviews from Greensburg and a review would be forthcoming once they are out of response action and into recovery action related to the Southeast Kansas flooding. He also stated that at some point the state would have a one-day formal after action review. The Chairman asked if there was a schedule or if the meeting would be formalized in a report that comes to the Governor or Legislature. General Bunting responded that the after action reports have been briefed to the Commission on Emergency Planning and Response, the Governor’s Homeland Security Council, and the Governor’s Office. He stated that certain people are given notice of the meeting and that they are open meetings, so anyone may participate. He also stated the report could be published and made a matter of record. The Chairman stated he would encourage the report to be published and it should include a review of statutes that are applicable in order that one could learn where operation outside of the statutes has occurred so that policy changes could be made.

The Chairman asked what the greatest policy challenges were from the Adjutant General’s perspective. General Bunting responded that there were no particular policy challenges, but the real challenge was receiving answers in a timely manner.

The Chairman asked General Bunting if the state was organized in the most efficient manner from the emergency management perspective. General Bunting replied “yes.” He explained the best way for the counties to be prepared was to have an emergency manager that is empowered, trained and is viewed as one of the key assets of the county. In response to organization, General Bunting stated that due to the personnel resources they place in disaster coordinating offices, they may need to restructure the agency to implement a recovery division so available personnel will be in the office to cover the programs they are expected to manage.

The Chairman asked General Bunting to explain the mitigation process related to its funding source, what types of things can be done with mitigation, and the decision process for what gets executed.

General Bunting responded:

- FEMA allows 15 percent of the total federal cost of the storm in mitigation;
- Of that 15 percent, FEMA pays 75 percent and with a 25 percent non-federal match;
- Prior to the Legislature appropriating money for mitigation in FY 2008, the non-federal match had been done at the local level;
- There is a hazard mitigation team for each county; and

- Examples of hazard mitigation expenditures in the past include floodplain buyouts, safe rooms for schools, wastewater treatment protection systems, and small levies.

General Bunting stated funds were available for all three recent Kansas disasters. Mitigation can be spent on any approved project statewide, so money that is acquired from one storm does not have to be used on mitigation in those counties where the damage occurred. The state decides the priorities for mitigation.

The Chairman asked General Bunting to make a recommendation on how the Legislature can appropriate funds and make them available for disasters that occur when it is not in session.

The Chairman thanked General Bunting and recognized Karl McNorton from the State Fire Marshal's Office. Mr. McNorton gave an overview of the agency's responsibilities and duties during and following a disaster ([Attachment 5](#)).

Mr. McNorton stated that he assisted in establishing a paid force of firefighters that are still on the ground in Greensburg and tasked in at least a dozen swift water rescue teams in Southeast Kansas. As a result of the Greensburg incident, a resource listing of swift water teams was created which proved very valuable for the Southeast Kansas floods. He stated one function his agency was not assigned to, yet had considerable activity in, was Emergency Support Function (ESF) No. 9 - Urban Search and Rescue. He commented this was a function he would suggest his agency be assigned to when a review of the Kansas Response Plan was conducted.

Mr. McNorton identified some areas that needed improvement for future preparedness:

- Compile a comprehensive database of specific fire and rescue resources and after-hour contacts to make their services available for activation; and
- Support the development of additional regional response teams for urban search and rescue and the development of Incident Management Teams for each homeland security region.

Mr. McNorton stood for questions.

In response to questions, Mr. McNorton addressed federal reimbursements for paid firefighters versus volunteer firefighters. The federal government pays only for a firefighter's overtime wage, not his straight-time wage and pays for "back fill," which is replacement personnel in a firefighter's home station. Volunteer firefighters are not paid, but Mr. McNorton and General Bunting agreed this was something to carefully consider in the future to utilize volunteer firefighters.

Representative McKinney suggested ID's for volunteer firefighters and emergency medical services personnel. General Bunting agreed that an identification system was needed so that when a disaster occurs volunteers have the proper credentialing to be at the disaster site. The Chairman stated the National Incident Management System (NIMS) has a credentialing protocol in place for utilization of volunteer identification.

The Chairman asked which agency is responsible for a database for available assets. General Bunting replied the responsibility rests with the Division of Emergency Management and the protocols from FEMA were just received in the last month.

The Chairman asked Mr. McNorton to identify any policy challenges his agency experienced as a result of both disasters and to inform the Committee at a later date.

Chairman Tafanelli thanked Mr. McNorton and recessed the meeting until 1:30 p.m.

Afternoon Session

The Committee reconvened at 1:35 p.m.

Chairman Tafanelli recognized Dr. Howard Rodenberg, Director of Health, Kansas Department of Health and Environment (KDHE). Dr. Rodenberg presented a PowerPoint presentation to the Committee about KDHE's response to the disasters from the Division of Health perspective ([Attachment 6](#)). Dr. Rodenberg explained Health's response was in three phases: command and control, which was assessing what is going on and how to coordinate what is going on; response; and recovery, which is still in process. He spoke about the different bureaus in the Health Division, and their assigned responsibilities associated with the disasters. Dr. Rodenberg explained how the public/private partnership and the deployment of the Expeditionary Medical Support Services (EMEDS), a deployed inflatable hospital, was significant in rebuilding the infrastructure of Greensburg. The private company that operated Kiowa County Hospital, The Great Plains Health Alliance, was able to partner with the Kansas Air National Guard to provide the EMEDS. The EMEDS was deployed and the Great Plains Health Alliance is operating, staffing and stocking the EMEDS like they would a local hospital so they can actually rebuild a new facility.

Dr. Rodenberg introduced Dr. Ron Hammerschmidt, Director of Environment, KDHE, to the Committee to present the Division of Environment's response to the disaster. Dr. Hammerschmidt spoke about the different bureaus in the Environment Division and their assigned responsibilities associated with the disasters.

Dr. Rodenberg and Dr. Hammerschmidt stood for questions.

Discussion is as follows:

- In response to a question regarding cases of post traumatic stress disorder it was explained that a mental health response team was deployed within the first 72 hours to disaster sites; however due to medical confidentiality, it was unknown how many people were served.
- Dr. Rodenberg and Dr. Hammerschmidt were asked to cite some of the specific requirements that were waived to expedite KDHE services. Some examples cited were waiving \$1.00 per ton tipping fee on solid waste and 45 day process to expand an existing landfill; however, KDHE would not waive health and safety requirements.
- Regarding the identification of policy or operational issues needing improvement were on-scene monitoring, additional equipment for deployment, training/cross training issues, identifying the location of experts, and command/succession structure.
- Relaxing requirements for segregating debris of non-hazardous waste was suggested.

- There was a concern that KDHE would exceed its resources in the event of a statewide disaster.
- Utilization of volunteers as a KDHE resource and its ramifications were discussed. It was explained liability and workers compensation carriers become disincentive issues when utilizing volunteers.
- There is an exception in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which allows medical information to be shared with KDHE for public health purposes if needed.
- There was discussion regarding tracking first responders in the event future health issues related to the disasters arise. It was concluded it was logistically impractical to do so because no one knew the number of first responders serving and for what length of time. It was also explained that tracking responders for potential health problems is problematic, in that knowledge of their health status before the disaster would be necessary.

The Chairman thanked Dr. Rodenberg and Dr. Hammerschmidt and recognized Mike Crow, Director of Operations, Kansas Department of Transportation (KDOT).

Mr. Crow presented testimony regarding KDOT's role in response to the Greensburg disaster ([Attachment 7](#)). He explained KDOT, in conjunction with the Adjutant General's Department and the Kansas Highway Patrol, was charged with assisting in the facilitation of transportation, communication, public works, and engineering.

Mr. Crow stood for questions.

Discussion regarding funding for road repair/rebuilding followed. Federal and secondary roads are eligible for FEMA assistance. There is also Federal Highway Administration funding available with a \$5,000 minimum per area criteria; however, the per area criteria is defined by federal guidelines and can be considered a somewhat gray area.

The Chairman asked if there was a single source available to the local community to locate the whole spectrum of federal funding in a disaster area so that the state may be able to identify those gaps and apply its resources. Mr. Crow responded there was personnel in the Bureau of Local Projects that had that information available for the local community.

Mr. Crow stated that budget issues were the biggest challenge KDOT has encountered. Man-hours, materials and hiring contractors have strained the budget. He also anticipates replacement of equipment due to heavy use during the disaster.

The Chairman thanked Mr. Crow and recognized Joann Corpstein, Chief Attorney, Kansas Department on Aging (KDOA).

Ms. Corpstein presented KDOA's Emergency Assistance Plan and Statement of Understanding agreement between the eleven Area Agencies on Aging (AAA) ([Attachment 8](#)). This plan provides the responsibilities, functions, and operations for emergency assistance.

Ms. Corpstein stood for questions.

In response to questions regarding who was responsible for resident relocation and transportation, Ms. Corpstein explained KDOA and the Adjutant General's Department, along with AAA case managers, helped with the relocation of residents in facilities. She stated nursing homes and adult care facilities are required to have a disaster plan in place that provides for resident relocation, but she was not sure how the plans specifically provided both transportation and relocation. She stated she could provide this information to the Committee at a later date.

Chairman Tafanelli thanked Ms. Corpstein and recessed the Committee for 15 minutes.

The Committee reconvened at 3:20 p.m.

The Chairman recognized J. Thomas Thull, Bank Commissioner, Office of the State Bank Commissioner.

Mr. Thull discussed the role of his agency in assisting banks in their recovery efforts and discussed the statutes in the Banking Code that address the agency's ability to respond to disaster situations (Attachment 9). Mr. Thull stated his agency did not find authority in the statutes to waive requirements for applications for relocations of offices, or for such other relief; therefore, contact with the Governor's Office was made to request an Executive Order to allow the agency to waive statutory requirements such as publication of notices regarding relocation, opening, and closing of bank locations. Mr. Thull stated that federal regulations and exam guidelines require all banks to have contingency and disaster plans.

Mr. Thull stood for questions.

The following points were made during questioning:

- The three banks in Greensburg had back-ups of their computer data;
- Federal regulations mandate computer data back-ups be in a different location;
- The Office of the State Bank Commissioner should be very accommodating in rebuilding efforts as a result of the Governor's Executive Order;
- There was some customer movement to other banks perhaps due to lack of communication regarding how and when customers would be able to access their accounts;
- Loan quality is being monitored. There has not been a problem with loan payments being made;
- Banks from Southeast Kansas have recommended a two-to four-month moratorium on loan payments to assist individuals;
- The Governor's Executive Order was signed within 15 days of the Greensburg disaster;
- There were no policy complications as a result of the Governor's Executive Order; and
- The Office of the State Bank Commissioner reviews the disaster plans for state banks. The Office of the Comptroller of the Currency (OCC) reviews disaster plans for national banks.

The Chairman thanked Mr. Thull and recognized Rae Anne Davis, Deputy Secretary for Workforce Development, Kansas Department of Commerce (KDOC); Steve Kelly, Deputy Secretary for Business Development, KDOC; and Ray Hammarlund, Community Development Director, KDOC. Ms. Davis discussed the efforts the Workforce Development Division specifically focused on related to disaster response efforts (Attachment 10). KDOC applied to the United States Department of Labor (USDOL) for a National Emergency Grant (NEG) for the Greensburg and Southeast Kansas disasters. Kansas received \$20 million with an initial release of \$12 million for Greensburg and KDOC is waiting to hear from back from USDOL regarding Southeast Kansas.

Ms. Davis concluded her testimony and the Chairman requested the Committee hold their questions until all KDOC's testimony was presented.

Ms. Davis introduced Ray Hammarlund, Community Development Director, KDOC. The Chairman welcomed Mr. Hammarlund to the Committee. Mr. Hammarlund gave an overview of the Community Development Division and its efforts in the Greensburg disaster. The division administers Housing and Urban Development (HUD) funds on behalf of the state. FEMA's estimate for Central Kansas was \$13.37 million in local match with an additional mitigation request of \$2 million. HUD's regional and federal offices have instructed KDOC to request this amount when the congressional delegation appears before the Appropriations Committee in Washington, D.C. There is not currently an estimate for the Southeast Kansas disaster; however, KDOC estimates it to be approximately \$40 million.

Regarding policy challenges, KDOC encountered the following:

- Ability to spend federal funds is quite constrained;
- Regulation and interpretation of statutes and how money can be spent differs at the federal and state level; and
- No funding for local government operations and how can programs be delivered with certainty to local units of government.

Representative McKinney questioned whether KDOC had staff deliver information pertaining to the business restoration program. KDOC staff replied that field staff would be making the community aware of that information.

A gentleman in the room stated there was a \$100,000 grant he was going to submit to help with small business restoration. The Chairman asked this gentleman to state his name and the agency he worked for so the minutes would reflect that. His name is Wally Kearns, State Director, Kansas Small Business Development Center Network.

The Chairman requested Ms. Davis to define the gaps between the federal and state programs and return to the Committee with ideas of how KDOC can apply limited state resources.

The Chairman requested Mr. Hammarlund to expand on resource provider network programs in rural Kansas. Mr. Hammarlund stated KDOC took existing resources and networks and redeployed them from economic development to aspects of emergency management.

The Chairman thanked Ms. Davis and recognized Dale Dennis, Deputy Commissioner, State Department of Education.

Mr. Dennis presented comments/suggestions regarding rebuilding USD 422 in Greensburg (Attachment 11). Mr. Dennis suggested reimbursing the school district for transportation of students no longer residing in Greensburg because of disaster relocation. He also suggested guaranteeing the school district the same general fund budget in the 2008-09 and 2009-10 school years as in 2007-08 to help with the transition process.

Mr. Dennis stood for questions. Discussion followed regarding whether now would be a good time to start reviewing rebuilding requirements that come from the State Architect's Office.

Concern was expressed that there would be a negative impact on the surrounding school districts due to rebuilding a new school facility, with discussion following.

The Chairman requested Mr. Dennis to recommend language that would be applicable to his suggestion regarding school funding as it pertains to disaster statutes.

The Chairman thanked Mr. Dennis and recessed the Committee until Friday, July 13, at 9:00 a.m.

July 13 Morning Session

Chairman Tafanelli called the meeting to order at 9:07 a.m. The Chairman indicated that a copy of the Adjutant General's PowerPoint presentation from yesterday and the report from the 1993 Flood Task Force were handed out to the Committee.

The Chairman recognized Mike Karl, Federal Coordinating Officer, FEMA.

Mr. Karl presented the Committee a guide to the disaster declaration process and federal disaster assistance (Attachment 12). He provided an overview of FEMA programs and the assistance they provide to individuals, and local and state governments. He stated the purpose of federal assistance is always supplemental, and that the federal government only gets involved upon request of a Governor and only upon confirmation that the disaster has exceeded the resources of both state and local governments. He emphasized that the law does not allow FEMA assistance for agriculture. USDA is responsible for agriculture assistance. FEMA disaster assistance falls into three general program categories:

- Individual assistance - aid to individuals, households, and businesses;
- Public assistance - aid to public entities and certain private non-profit entities for certain emergency services and the repair or replacement of disaster-damaged public facilities; and
- Hazard mitigation assistance - funding for measures designed to reduce future losses to public and private property.

Mr. Karl stated the cost share for the above programs is 75 percent federal with a 25 percent non-federal match. There are provisions to increase that to a 90 percent federal share, 10 percent non-federal share; however, the state must have a minimum of \$117 per capita of disaster money obligated, not projected, by the federal government. Currently, the projection for the Greensburg

disaster (DR - 1699) is \$188 million and FEMA has currently obligated just over \$100 million. For the state of Kansas, approximately \$315 million would have to be obligated in order to qualify for the 90/10 cost share.

Mr. Karl spoke about the specific program assistance FEMA is currently providing the disasters in Greensburg and Southeast Kansas. He reported the emergency response plan gave FEMA access to resources of 32 federal agencies, and addressed other assistance FEMA can provide. If requested by the Governor, emergency response allows for FEMA to provide 100 percent federal share for up to a few hours to a few days, depending on the nature and scope of the disaster. With regard to the Greensburg disaster, the Governor requested 60 days of 100 percent funding. Kansas actually received 72 hours of 100 percent funding.

Mr. Karl stated the hazard mitigation projects are based upon competitive grants which the state manages. In order to qualify for these grants, each state must have a FEMA approved hazard mitigation plan which Kansas currently has; however, each county and city must also have a FEMA approved plan to apply for the grant. Currently in Kansas, only eight counties have approved plans. Kiowa County and Greensburg are eligible to apply for these grants under an exception in which the regional director can, under extreme circumstances, waive that criteria.

Mr. Karl stood for questions.

In response to questions, Mr. Karl addressed issues related to:

- Temporary housing assistance, repair and replacement, who is eligible, what specific criteria needs to be met, and the duration of FEMA assistance;
- Temporary housing assistance availability for repair of homes on a floodplain with regard to the \$28,000 FEMA cash assistance;
- The oil spill and its related disaster relief costs to the flood in Southeast Kansas. It was pointed out that the oil spill was not a FEMA issue. The Environmental Protection Agency (EPA) was the responsible party for clean-up;
- Criteria for disaster declarations which is \$1.22 per capita for the state and \$3.05 per capita for the county;
- Non-federal match cost share - FEMA allows for in-kind matching such as documented volunteer labor and equipment to be used toward the non-federal match cost-share;
- Hazard mitigation - planning assistance grant money is available in the amount of \$25,000 to hire someone to assist counties in developing a hazard mitigation plan. At this time, eight counties have an approved plan and approximately 38 have plans submitted for approval. If the state does not have an approved hazard mitigation plan, no jurisdiction in the state can qualify for permanent repairs;
- Hazard mitigation related to insurance and losses in a floodplain - it was pointed out by Mr. Karl that floodplain issues and FEMA's ability to pay for losses was a complicated issue and recommended an expert come and testify related to this issue; and

- Local units of government cash flow problems while waiting for FEMA reimbursement - Mr. Karl stated this requires state cooperation with local units of government to make sure cash is available until reimbursement occurs.

The Chairman thanked Mr. Karl for his testimony and recognized Robert Waller, Chief Administrator, Kansas Board of Emergency Medical Services (EMS).

Mr. Waller provided the Committee with the EMS responsibilities and duties during and following a disaster, specific responsibilities and response during the Kiowa County disaster, and funding available for aid ([Attachment 13](#)). Mr. Waller explained there is currently no statutory language written in either statute or rules and regulations that outlines EMS' responsibilities outside of those as a regulatory agency. He further addressed some of the issues that are currently being reviewed and discussed by the Board with regard to EMS' responsibility relating to homeland security and how the agency can become an operational agency as opposed to just a regulatory agency. Mr. Waller stated the Major Emergency Response Group (MERGe) was critical in the coordination of EMS assets at the disaster scene. However, MERGe is not a statewide response group or a directly funded state asset. The Board is focusing on EMS regions and trying to have each region build an EMS team to respond to emergencies within their jurisdiction.

Mr. Waller stood for questions and indicated if there were specific questions related to MERGe, Board staff Jon Friesen was available for questions.

The Chairman asked Mr. Waller when available information regarding statutes or rules and regulations that may be implemented to integrate EMS into emergency management response may be expected. Mr. Waller stated EMS is working toward that at this time and was hoping to provide those regulations to be reviewed by the Legislature within the next six to eight months.

The Chairman thanked Mr. Waller for his testimony and recessed the Committee for 15 minutes.

The Committee reconvened at 10:55 a.m.

The Chairman recognized Captain Ramon Gonzalez, Jr., Kansas Highway Patrol (KHP). Captain Gonzalez provided testimony on behalf of Colonel William Seck, KHP, and briefed the Committee on the Patrol's response to disasters and, specifically, KHP's response to the Greensburg/Kiowa County disaster ([Attachment 14](#)).

Captain Gonzalez stood for questions.

A number of challenges KHP encountered were determining the parameters of the disaster; securing the area and determining who did and did not belong there; and determining the safety of the citizens in the area. Additionally, communication and interoperability issues related to coordinating with multiple agencies were found to be a challenge. It was questioned whether there was a need to modify the 800 MHz system to provide better communication with multiple entities. Discussion continued regarding ways to improve communication.

The Chairman asked Captain Gonzalez to identify policy challenges as a result of the disaster. A few of the concerns addressed were that policies needed to be reviewed on a consistent basis. KHP has priority of effort in place for these situations and it was thought prudent to make the public aware of this fact. Also of concern was adequate staffing. It was pointed out there are less

than 500 uniformed troopers across the state. Chairman Tafanelli thanked Captain Gonzalez for his testimony.

Representative McKinney moved and Senator Teichman seconded to approve the minutes of the June 15, 2007 meeting with corrections. The motion carried.

The Chairman recessed the meeting until 1:00 p.m.

Afternoon Session

The Committee reconvened at 1:05 p.m.

Chairman Tafanelli recognized Cindy Hermes, Director of Government and Public Affairs, Kansas Insurance Department.

Ms. Hermes spoke about the role of the Kansas Insurance Department during and after catastrophic events (Attachment 15). Ms. Hermes reported that concerns and complaints regarding the recent flooding have been forwarded to the National Flood Insurance Program. She stated her office can investigate and offer informal assistance during the claims resolution process to determine whether or not, and to what extent, an insurance company has violated a legal two-party policy contract of insurance and/or violated Kansas Unfair Claims Settlement Practice laws.

Ms. Hermes stood for questions.

Ms. Hermes was asked if the agency was considering a proactive approach to educating the public regarding property owners reassessing the need for flood insurance.

Ms. Hermes responded in addition to consumer alert press releases, other ways being considered to inform the public were public service announcements and an Insure You Tour.

Additional concerns discussed were related to insurance companies meeting contractual requirements with individual property owners; and discrepancies on insurance company payout for disaster property damage and how the Kansas Insurance Department tracks those payouts.

The Chairman thanked Ms. Hermes for her testimony and recognized Chad Austin, Kansas Hospital Association.

Mr. Austin presented testimony on behalf of Dan Leong, Director, Emergency Preparedness, Kansas Hospital Association, related to hospital response and recovery in disasters (Attachment 16). Mr. Austin informed the Committee that Kansas hospitals have received federal funding through the Hospital Preparedness Program. These funds are provided through the United States Department of Health and Human Services and administered through the Kansas Department of Health and Environment.

Mr. Austin introduced Mary Sweet, Administrator, Kiowa County Memorial Hospital. Ms. Sweet spoke about Kiowa County Memorial Hospital's evacuation protocols and actual utilization of those protocols during the Greensburg disaster (Attachment 17).

Mr. Austin and Ms. Sweet stood for questions.

Items of discussion included:

- Additional National Incident Management Systems (NIMS) and Incident Command System (ICS) training was needed;
- Establish protocols for transfer of patients to critical access hospitals, not just metro area hospitals;
- The need of Kansas hospitals for a statewide patient evacuation plan; and
- Use of mitigation money for safe rooms.

The Chairman thanked Mr. Austin and Ms. Sweet for their testimony and recognized Joan Wagon, Secretary, Kansas Department of Revenue (KDOR).

Secretary Wagon provided the Committee with an update on KDOR's disaster and recovery efforts in Greensburg and Southeast Kansas ([Attachment 18](#)). Secretary Wagon reported that KDOR Information Services staff worked closely with the Bureau of Telecommunications in the Division of Information Systems and Communications (DISC) to coordinate and set up emergency telecommunications and with the Motor Vehicle and Taxation Divisions to provide equipment and necessary documents, *i.e.*, drivers licenses, vehicle titles at the Disaster Recovery Center. She further stated the Department suspended collection activity on Kiowa County accounts and placed a moratorium on penalties and interest during the recovery period for those taxpayers damaged by the tornado.

Secretary Wagon; Richard Cram, Director, Policy and Research, KDOR; and Mark Beck, Director of Property Evaluation Division, KDOR, responded to the Committee's questions.

A few of the questions and concerns are as follows:

- Should there be a sales tax exemption for replacement of fencing?
- Consideration of assistance to counties surrounding Kiowa County related to replacement of fencing.
- Is there an effort to highlight defining accelerated enhanced benefits for expedited tax return?
- Policy challenges stated were a greater flexibility to KDOR to look at other systems for property tax assessment. Staff resources are stretched if staff travels to all counties for assessment.
- Access to data is critical; therefore, full sets of backed up data should be maintained in remote locations, possibly neighboring counties.

There was discussion as to whether changes were needed to better implement 2007 HB 2540 which establishes the Kiowa County business restoration assistance program for the purpose of assisting businesses that were in operation in Kiowa County and damaged by the tornado and other severe weather on May 4, 2007.

The Chairman thanked Secretary Wagon and KDOR staff and recognized Candy Shively, Deputy Secretary for Integrated Service Delivery, Kansas Department of Social and Rehabilitation Services (SRS), who appeared on behalf of Don Jordan, Secretary, SRS.

Ms. Shively, briefed the Committee on SRS' response to recent weather disasters in Kansas (Attachment 19). Ms. Shively informed the Committee that, in addition to specific program response, SRS assisted in:

- Making referrals to FEMA, the Small Business Administration (SBA), and state agencies;
- Communication of available SRS benefits by use of Greensburg emergency radio, which allowed relaying information to all victims who had to move to other communities because of the destruction of homes; and
- Collaboration with Iroquois Mental Health Center, whose center was destroyed, by providing phones and fax machine, among other things.

Ms. Shively stood for questions. Chairman Tafanelli thanked Ms. Shively.

Written testimony by Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority, was distributed to the Committee.

Discussion followed regarding agencies to bring before the Committee for specific information requested by Committee members.

The Chairman stated the next meeting would be August 22 and 23, 2007.

The Committee adjourned at 3:40 p.m.

Prepared by Gina Bowes
Edited by Amy VanHouse

Approved by Committee on:

August 23, 2007

(Date)