

MINUTES

DISASTER RELIEF AND RECOVERY SPECIAL COMMITTEE

November 13, 2007
Room 519-N—Statehouse

Members Present

Representative Lee Tafanelli, Chairman
Representative Louis Ruiz, Ranking Minority Member
Senator Janis Lee
Senator Derek Schmidt
Representative Richard Carlson
Representative John Faber
Representative Dennis McKinney

Members Absent

Senator Roger Pine
Senator Ruth Teichman

Staff Present

Kathie Sparks, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Bruce Kinzie, Office of the Revisor of Statutes
Gordon Self, Office of the Revisor of Statutes
Jason Long, Office of the Revisor of Statutes
Judy Swanson, Committee Assistant

Conferees

Dr. Howard Rodenberg, Director of Health, Kansas Department of Health and Environment
John Mitchell, Director, Bureau of Environmental Field Services Department, Kansas Department
of Health and Environment
Dick Morrissey, Deputy Director, Division of Health
Bill Chornyak, Deputy Director, Emergency Management, Adjutant General
Randy Mettner, Special Assistant, Adjutant General

Others Attending

See attached list.

Morning Session

Chairman Lee Tafanelli called the Committee meeting to order for the purpose of gathering more information about the disaster relief and recovery of the 2007 Kansas disasters and beginning the finalization of a Committee report.

Dr. Howard Rodenberg, Director of Health, Kansas Department of Health and Environment, (KDHE), provided an overview of the process and challenges involved with the KDHE response to the recent flooding in Southeast Kansas ([Attachment 1](#)). The Center for Public Health Preparedness (CPHP) works to build public health and healthcare capacity in order to prepare for and respond to public health emergency situations. In an emergency response situation, KDHE works in collaboration with the Adjutant General's Department, which has the primary statutory authority in disaster emergencies.

KDHE's public health response to this disaster involved four primary activities:

- Serving as the State's ESF-8 lead;
- Acquiring and distributing tetanus vaccine to local health departments;
- Deploying state public health staff to Coffeyville to assist with response/recovery efforts; and
- Holding public meetings in Coffeyville and Independence.

KDHE does not regularly maintain large central inventories of tetanus vaccine. Most of the vaccine had to come from donors or be ordered and purchased from a manufacturer during the time of the flood response. As of July 23, in response to the flooding, KDHE had coordinated the delivery of 5,570 doses of tetanus vaccine that cost \$137,405.10. There will be no cost to local communities.

Some of the field response activities handled by KDHE were:

- Addressing concerns about mosquitoes;
- Coordinating the investigation of a diarrheal/rash illness reported among some responders and community members;
- Developing an intervention plan to minimize the number of children present in the flood zone;
- Fielding questions regarding payment for medical care and treatment;
- Coordinating contaminated food removal and clean-up of restaurants;
- Providing educational literature on disposal of household hazardous waste; and
- Providing birth and marriage records for community members.

John Mitchell, Director, Bureau of Environmental Field Services, Kansas Department of Health and Environment, provided an overview of the Division of Environment's response to flooding in Southeast Kansas (Attachment 2). Their response began immediately. In addition to the flood waters, the City of Coffeyville experienced the release of approximately 72,000 gallons of crude oil from the Coffeyville Resources refinery. Staff at the Laboratory was put on standby to process water samples in order to get water supplies back on line as quickly as possible. They deployed staff to Coffeyville to provide direct assistance. Their involvement continues to the present, and will continue throughout the demolition of the affected homes in the flooded portion of Coffeyville.

Committee discussion followed. In response to Representative Carlson, Dr. Rodenberg said the shelf life of tetanus vaccine is approximately 18 months. He said there were glitches in computer data, so there was not an accurate tracking of the time between a request for vaccine and when the request was filled. The longest time from request to delivery ranged from two to three days. No tetanus problems occurred following the disaster. Representative McKinney expressed concern that a public health nurse from Montgomery County testified she contacted a manufacturer directly and got vaccine the next day. Dr. Rodenberg said that may have been because she ordered a smaller amount, or because KDHE buys through a purchasing compact and that causes delay. On reimbursing her for the vaccine, Dr. Rodenberg said unless she had a tracking number, it is not reimbursable through Kansas Division of Emergency Management (KDEM). Committee members expressed concern on this issue. Representative McKinney stated public health nurses do a good job, and Montgomery County nurses did an excellent job and felt their purchase should be reimbursed. Dr. Rodenberg said there may be a way through KDEM to go outside regular channels for critical needs, as long as they know what is being requested and tracked. KDHE has not done an after-action review with Montgomery County or Kiowa County. The Committee felt this after-action review was important and should already have been completed.

Dick Morrissey, Deputy Director, Division of Health, said they learned that vaccine is not reimbursable under the Federal Emergency Management Agency (FEMA) guidelines, so they will try to find funds through the existing budget. This is not a new policy, it is in the guidelines, but they did not realize it. There were glitches in the process. From the local level he got lambasted for having too much bureaucracy in his department.

In response to Representative McKinney, Mr. Mitchell said he did not know if water samples were taken from the Greensburg landfill yet. Representative McKinney suggested the sooner this is done, the better. Mr. Mitchell will check on it today. In response to Chairman Tafanelli, Dr. Rodenberg explained that vaccine is shipped without needles all the time, and it was his assumption that counties would assume that is how it would be shipped to them in emergency disaster situations also. He said unless they specifically asked for additional supplies, they were not sent. They learned a lesson from this. WEB EOC and some internal logs were the systems they used to track requests through delivery.

Dr. Rodenberg said it would be easier to distribute vaccine in a pandemic to all 105 counties than manage distribution among fewer counties. KDHE has a stockpile of vaccine for a pandemic, and a delivery system is in place for delivery. There is a potential for human health issues in the disaster areas, but tracking long-term issues is virtually impossible. They can track some things that seem to be related to the flood. He agreed to provide the Committee with KDHE's internal action report.

Mr. Mitchell said he is working with the Environmental Protection Agency (EPA) doing a housing assessment, concerning hazardous materials in Coffeyville before the structures are razed by Coffeyville Resources. They hope to get started within the next two weeks on demolition activities. Contractors have the authority to stop at any point, and address concerns that may arise.

Several major concerns were expressed by Committee members:

- No one knew with whom any after-action reviews were done.
- KDHE has done an internal after-action review, but no review was done with the counties affected. Chairman Tafanelli highly suggested this after action be done soon.

Bill Chornyak, Deputy Director, Emergency Management, Adjutant General, addressed the FEMA regulation of non-reimbursement for vaccine. He said it has been a standing policy, and probably an oversight on his part for not asking about being reimbursed. FEMA has written policy, but there are so many policies, it is difficult to determine each one.

Mr. Chornyak reviewed the Kansas Commission on Emergency Planning and Response (CEPR) "Managing the Risk, 2006-2007 Annual Report" ([Attachment 3](#)). The primary focus of CEPR is to enhance state and local emergency and preparedness capabilities through coordination and planning by advising and assisting local agencies in the mitigation, reviewing the response to emergencies; recommending improvements for mitigation; and carrying out requirements of the Federal Emergency Planning and Community Right-to-Know Act of 1986. He provided an overview of CEPR set-up, functions, and membership ([Attachment 4](#)). The minutes of the August 17 Commission on Emergency Planning and Response meeting were distributed ([Attachment 5](#)).

In response to Chairman Tafanelli, Mr. Chornyak said he did know if CEPR had looked at the recent set of disasters. Randy Mettner, Special Assistant, Adjutant General, said there was a disaster update at the last CEPR meeting. CEPR expansion is not in effect yet. Last meeting's attendance was extremely low. CEPR core functions are the same as this Special Committee's functions. They meet quarterly, and Mr. Mettner said CEPR has been overshadowed by other Committees. Chairman Tafanelli stated CEPR is the ideal body to do what this Committee is doing, and he urged Mr. Mettner to encourage CEPR Chairman Duncan to take over that responsibility.

Mr. Chornyak gave an update of the Wolf Creek Nuclear plant exercise. He said it was a graded exercise to determine Kansas' readiness, and Kansas was rated exceptional and outstanding in all areas.

Discussion was held on the damage cost breakdown for DR-1699 (Greensburg tornado area). Chairman Tafanelli requested Mr. Chornyak provide the current dollar cost to Committee staff with expansion, so staff could put that in the report.

A Summary of Praise, Problems, and Suggestions On Disaster Relief and Recovery was distributed to Committee members ([Attachment 6](#)).

A memorandum from Senator Teichman was received listing her concerns, ideas, and suggestions for Committee consideration ([Attachment 7](#)).

The Committee recessed from 11:10 a.m. – 11:35 a.m.

Chairman Tafanelli said Committee recommendations will draw a tight parameter around what is needed and send that information to the appropriate House and Senate committees, asking them to request legislation and conduct hearings.

Senator Schmidt said a working group came up with proposed long-term goals, with the focus on long-term recovery, following 2007 disasters (Attachment 8). It is a \$17.5 million package. All 18 legislators in the affected areas concurred with the following recommendations:

- Housing development block grants;
- Disaster recovery investment zones;
- Cash flow in disaster-affected cities and counties;
- Demolition assistance;
- Green space redevelopment; and
- Kansas Housing Resources Corporation enhancements.

During discussion, Senator Schmidt said it was unclear if demolition assistance would be limited to disaster-declared areas, but he hoped others would be included. There was an issue with the drafting. Chairman Tafanelli said it will be easier for this Committee to lay out broad policy for future disasters, but his concern is how it will affect past disasters. Senator Lee said the proposal could be used as a template for future disasters, as well as address past disasters. Representative McKinney suggested housing needs to be addressed in the Committee report because of the seriousness of the issue, both after the disasters and addressing the ongoing state shortage. Committee consensus is that the affordable housing issue in the state is exacerbated in a disaster. Representative Carlson said there are many issues that need to be considered with each suggestion, and the President of the Senate and Speaker of the House could be assigned to committees to study this.

Each recommendation was discussed.

- A housing program will be available to individuals in disaster areas that provide funding for a qualified project, principally for infrastructure development, housing loan guarantees, and senior housing projects.
- The housing program should include a population cap for receiving state assistance, as larger population counties have additional resources to rebuild. Questions that need to be addressed in the program:
 - Should relief be given based on loss per capita per county?
 - Should individual business owners be able to avail themselves of relief?
 - Should entire cities receive relief?
- Following a disaster, cities and counties face a major cash flow problem. The Legislature may choose to propose legislation to allow the State to pay the interest on bonds issued pursuant to no-fund warrants if the bond proceeds are used to pay costs arising from the disaster.
- The Legislature may wish to propose legislation that would allow cities and counties to request assistance from the Kansas Department of Transportation and the Kansas National Guard to help demolish damaged structures not covered by the Federal Emergency Management Agency.
- The Legislature should consider making an appropriation of \$1.5 million in Fiscal Year 2009 to partially fund the Local Government Outdoor Recreation Grant Program, and to target those new funds to the affected counties for green space redevelopment.

- The Legislature should consider adopting a joint resolution to the Federal Emergency Management Agency that it recognize farm and ranch losses as business losses.
- The Legislature should fund, at an appropriate level, the Disaster Relief Fund, prior to any future disasters instead of after the disaster occurs. In addition, the Committee is recommending that 1994 House Bill 2800 should be updated and reintroduced to fund the Disaster Relief Fund.
- The Committee recommends that the Kansas Department of Emergency Management work with the Kansas League of Municipalities and the Kansas Association of Counties on educating cities and counties as to what is required to be included in an emergency plan.
- The Committee recommends that in the new state financial system, a component be included that will provide accurate and uniform cost information with regard to disaster expenditures.
- The Committee recommends that additional staff be funded for the Kansas Department of Emergency Management. The three Presidential Declared Disasters that have occurred in Kansas during 2007 have clearly shown the need for additional staffing and additional Community Emergency Response Teams. The Department has considerably lower staff levels than other states.
- The Committee recommends that each county government should have at least one vehicle equipped with 800 MHz; and this recommendation could be funded with the \$10.0 million Homeland Security Grant, as interoperability problems during the tornadoes and flooding was a major concern of state agencies, county and local units of government during and immediately following the disaster.
- The Committee recommends that the Kansas Division of Emergency Management review their communication practices with counties, so counties know how to make requests for equipment and personnel. In addition, the Department should provide a tracking system for county requests, including when received, when acknowledged, and when answered. If the county receives the personnel and equipment, the date the personnel and equipment was dispatched should also be included in the tracking system.
- The Committee recommends the Kansas Division of Emergency Management develop a guidebook that is user-friendly.
- The Committee recommends the Kansas Department of Emergency Management seek greater involvement from the private sector and education institutions in developing mitigation strategies and planning.

The Committee recessed from 12:20 – 1:40 p.m.

Afternoon Session

Representative Ruiz moved, and Representative Carlson seconded, a motion to approve the minutes of the October 26 Committee meeting. Motion passed.

A summary of Disaster Committee issues was presented by staff (Attachment 9). Committee discussion was held on what to include in the final Committee report.

The Committee concurred in order to state broad policy recommendations, Committee members should look at detailed pieces of the report, figure out on which parts they concur, and let staff know so they can prepare the final report. Staff will work on a further draft, then work via e-mail on individual requests for inclusion into the report.

Four major areas that need to be focused on are:

- Preparation;
- Immediate response;
- Recovery; and
- Mitigation.

Recommendations should fall within those categories. Increased use of disaster mitigation funds from the State needs to be included. The State is eligible to draw down 15-20 percent of a disaster in the form of mitigation funds. The State pays 25 percent and Federal matches with 75 percent. Staff will provide more background information on the mitigation process. Projects must be approved by FEMA.

Chairman Tafanelli requested all Committee members e-mail their recommendations to Ms. Sparks no later than November 30.

There being no further business, the meeting adjourned at 2:38 p.m.

Prepared by Judy Swanson
Edited by Kathie Sparks

Approved by Committee on:

December 19, 2007

(Date)