

MINUTES

JOINT COMMITTEE ON KANSAS SECURITY

September 13, 2004
Room 519-S—Statehouse

Members Present

Senator Jay Scott Emler, Chairman
Representative Lee Tapanelli, Vice Chairman
Senator Jim Barone
Senator Dave Jackson
Senator Nick Jordan
Representative Mario Goico
Representative Margaret Long
Representative Judy Showalter

Members Absent

Representative Carl Krehbiel
Senator Chris Steiniger

Staff Present

Robert Waller, Kansas Legislative Research Department
Bruce Kinze, Revisor of Statutes Office
Lisa Montgomery, Revisor of Statutes Office
Cathy Conn, Committee Secretary

Conferees

Richard Morrissey, Interim Director, Kansas Department of Health and Environment
Gianfranco Pezzino, M.D., M.P.H., Director, Public Health Studies, Kansas Health Institute
Edie Snethen, Executive Director, Kansas Association of Local Health Departments
Chris Howe, Department of Administration
Captain Mark Bruce, Kansas Highway Patrol
Steve Smith, Senior Vice President, Fisher Scientific Corporation
Gordon Lansford, Director, Kansas Criminal Justice Information System
Ron Rohrer, Kansas Bureau of Investigation
Deb Miller, Secretary, Kansas Department of Transportation
Ed Greer, Kansas Department of Transportation
Terri Ploger-McCool, Regional Coordinator, Division of Emergency Management

Others Attending

See attached list.

September 13 Morning Session

Chairman Emler called the meeting to order at 9:07 a.m., and welcomed Director Richard Morrissey, Kansas Department of Health and Environment (KDHE) to the Committee.

Director Morrissey gave a brief overview of the report "Bioterrorism and Emergency Response Preparedness of Local Health Departments in Kansas: 2003" which was commissioned by the Kansas Association of Local Health Departments (KALHD), and prepared by the Kansas Health Institute (KHI). Funding was provided by federal bioterrorism funds through KDHE ([Attachment 1](#)).

Director Morrissey informed the Committee the study was conducted between August 2002 and August 2003, and noted that the study did not consider state or federal resources which would be available to the counties during a public health emergency. The goal of the study was to evaluate progress from 2002 to 2003, to review current capacity achieved, and to identify gaps in capacity. Director Morrissey commented that the findings of the study were very positive, and revealed a 28 percent improvement in preparedness levels at the local level in just 12 months, thus indicating a significant investment in public health and measurable improvement in the public health preparedness system in Kansas. County preparedness improved in 89 of the 103 reporting counties. He noted that 15 bioterrorism regions had formed, made up of three to 13 counties each, which was a very significant factor and essential in achieving appropriate levels of preparedness in the most rural areas of the state.

Mr. Morrissey provided the Committee with the definition of public health preparedness as defined by Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention as ". . . the continuous process of improving the health system's capacity to detect, respond to, recover from, and mitigate the consequences of, a terrorist or naturally occurring public health emergency. . ."

Mr. Morrissey then presented Dr. Gianfranco Pezzino, Kansas Health Institute, to give the Committee a brief overview of the study ([Attachment 2](#)).

Chairman Emler welcomed Dr. Pezzino to the Committee. Dr. Pezzino explained that the study was conducted through two surveys, which were repeated during a one-year interval, using the exact same instruments. The survey used a questionnaire that was available from the Centers for Disease Control, which contained 79 questions with over 700 items, in addition to 30 questions added by KHI that were more Kansas specific items. The two surveys were then compared to see what changes could be detected. Dr. Pezzino noted that a panel of experts, including those from the local health departments, assisted KHI in determining the status for achieving success or failing to succeed in the evaluation. KHI prepared indexes for each county (103 counties out of 105 participated) in both surveys and then compared those indexes. Dr. Pezzino cautioned the Committee in placing too much value on the absolute values of the indexes, but urged them to look at the changes over time.

Dr. Pezzino discussed five key findings extracted from the report:

1. Preparedness for bioterrorism improved 28 percent overall throughout the state on average.
2. There is still a lot of room for improvement.
3. The wide variability in preparedness by counties, regions, and critical capacity areas. Local preparedness overall state average was 43.3 percent, but the overall index ranged from 17.3 percent to 75.5 percent. There were some counties that had the index measurement of 17.3 percent and then there were others with 75.5 percent measurement.
4. Preparedness levels tend to be lower in rural areas than in urban areas.
5. Regionalization efforts improved preparedness. Some counties knew that to achieve efficiency, they would have to join their efforts with other counties and become regions. All the 15 regions improved their preparedness between the first and second surveys. Eighty-nine out of 103 counties improved. Each region had at least one county that had an index higher than the state average, which could be the leader to those counties that were lagging behind in some aspects of local preparedness.

Dr. Pezzino concluded that the efforts and resources being directed toward developing preparedness at local levels are producing good results. However, he pointed out that preparedness is not just about detecting and responding to bioterrorism events, but it is preparedness for any kind of public health emergency.

Chairman Emler called on Edie Snethen, Kansas Association of Local Health Departments (KALHD). Ms. Snethen briefly discussed how local health departments were utilizing the data. Each county in a particular region had the opportunity to meet with KHI to provide and review their data. The information was taken back by the counties, which are beginning to work on the gaps that were identified. KALHD also reviewed common gaps to see if resources could be provided to assist each county or region in solving basic problems. KALHD is attempting to utilize the information to ensure that resources are available and used effectively.

Chairman Emler asked the Committee for questions.

Representative Showalter questioned KHI for more information regarding areas of improvement (*i.e.*, education or identifying resources). Mr. Morrissey responded by discussing the focus areas, which determine how the funds are utilized and passed on to the local health departments, those being:

- planning and preparedness (developing response plans);
- epidemiology and disease control issues; counties develop capacity largely by trying to improve staff coordination and training;
- laboratory capacity, which deals with the use of local labs and their ability to interact, and move samples and information back and forth through the state;
- public information, risk communication, and development of plans, materials, and information for the dissemination of information to the public; and

- work force development and training.

He continued by explaining that all focus areas have a training element associated with them to ensure some level of efficiency.

Representative Showalter inquired as to the assessment being repeated in 2004. Mr. Morrissey stated that KDHE is designing the instrument. Currently, the Centers for Disease Control (CDC) is moving away from focus areas orientation, and is now developing a set of performance goals and related measures that will be more outcome oriented. He noted that the Department is evaluating the transition between the old study areas and new performance goals.

Senator Jackson asked if the information on each Committee member's specific county could be made available to the Committee. Mr. Morrissey replied yes, and that information is available and could be provided to the Committee.

Senator Jackson also inquired as to how the assessment tool would assess the progress or deficiencies, if the measurements were changed. Mr. Morrissey stated KDHE would attempt to maintain many of the data points from the earlier surveys, since many of them will be relevant to the new standards.

Senator Jordan was interested in the Department's interaction with local hospitals and to clarify that the figures did not include hospitals, but just public health. Mr. Morrissey stated that KDHE was working toward being able to link local health departments' regional development with the six hospital regional development processes. He noted that the overwhelming problem remains surge capacity.

Mr. Morrissey remarked that funding for the hospital and the CDC programs are not integrated. Funding is allocated from the CDC and the other from Health Resources Services Administration (HRSA), and have a different set of objectives and performance standards, which do not relate as well as they could from an evaluation standpoint. Mr. Morrissey also stated that in conversations with the CDC Director and Director of the HRSA program, he was informed that any changes would come from Congress.

Vice Chairman Tafanelli inquired if there was a state strategy that addressed human health and bioterrorism and the amount of funding distributed to local units of government. Mr. Morrissey stated that there was no strategy related to human health, but the strategy related to communicable disease and bioterrorism was reflected in the state plan. He continued by remarking that there was a significant decrease in funding due to the shifting of funds from the states to the 21 largest cities in the country. Kansas experienced a 22 percent reduction in the federal funding under the CDC grant to be passed on to local health departments.

Chairman Emler expressed concern that some counties were not participating, whether those counties be prepared for a search and rescue operation, or would the region be prepared to assist them since they have not been integrated into a region. Mr. Morrissey stated that mandating participation by each county health department has not been necessary, but eventually the issue will need to be addressed.

Chairman Emler called on Robert Waller, Kansas Legislative Research Department, to discuss to State Contracts procedures. Mr. Waller informed the Committee that the memorandum was prepared in response to issues and concerns raised by the Coalition of Kansas Emergency Equipment Dealers. Mr. Waller stated that all vendors, including those based in Kansas, had the opportunity to bid on the contract. It was awarded to Fisher Scientific on April

23, 2001 and expires on December 31, 2005 with the option to renew for two (2) additional one (1) year periods. He remarked that the Kansas Highway Patrol (KHP) utilizes the contract as a one-stop shop to allow governmental entities to purchase domestic preparedness items through the rapid distribution of federal homeland security grant funding to governmental entities. Counties are provided a unique identification number and password to access the site. "Purchases" are made, and reviewed by the Kansas Highway Patrol (to insure compliance with Office of Domestic Preparedness (ODP) provisions) before the purchase is fulfilled. In doing so, no "actual" money changes hands. The governmental entity is issued a "credit card" to purchase the item, with discounts being offered utilizing "economies of scale." However, he noted that if analysis is made item by item, the Department of Administration (D of A) Division of Purchases has found that locally some items can be found at a reduced price. State agencies, however, still go through the normal procurement process. Mr. Waller also stated that in discussions with the Division of Purchases, administrators have had discussion with local vendors to produce a similar website, but at this time an alternative procurement website has not been offered. Additionally, he further explained that most contracts entered into by the Division of Purchases state that if a state agency locates a vendor that can provide the identical item at a lower price, a waiver to "buy off state contract" may be granted. The waiver is typically granted upon request of a state agency, not at the request of a vendor. Mr. Waller also noted that caution should be exercised in utilizing this waiver to acquire equipment/training through the ODP grant. Currently, all billing, preparation for audits, distribution of funds, is done through the website per the contract with Fisher Scientific. If the waiver is utilized, the Kansas Highway Patrol would be subject to the expense of determining item by item whether a local business was able to provide that item at a lower cost. In doing so, a fiscal note of an indeterminate amount would have to be added to cover the additional cost. He noted that KHP administers the program with no additional funding or FTE positions (Attachment 3).

Chairman Emler thanked Mr. Waller for the information, and welcomed Chris Howe, Department of Administration, to the Committee.

Mr. Howe thanked the Committee for the opportunity to provide testimony relating to State of Kansas contracts. Mr. Howe explained that the contracts are established by the Division of Purchases to maximize administrative efficiencies related to repetitive purchases. Some contracts are based on unique needs of individual agencies, while others are based upon the combined needs of all state agencies. Combining the needs of all agencies into a single contract allows the State of Kansas to take advantage of the economies of scale associated with aggregated purchases. He also stated that contracts typically contain the following language". . . statewide contracts are awarded by the Division of Purchases to take advantage of volume discount pricing for goods and services that have a recurring demand from one or more agencies. . ." However, if a state agency locates a vendor that can provide the identical item at a lower price, a waiver to "buy off state contract" may be granted by the Division of Purchases.

Mr. Howe also stated that agencies are encouraged to consider the administrative costs associated with the placement, receipt, and payment for a separate order. The contract was awarded to Fisher Scientific as a result of a competitive bid process, and is a very broad catalog-based contract designed to meet a wide range of agency needs at competitive prices (Attachment 4).

Chairman Emler asked for Committee questions.

Vice Chairman Tafanelli inquired of the process to acquire a waiver for a local unit of government, and the time frame to purchase the item. Mr. Howe replied that the form for the waiver is on the Department's website and the waiver could be completed within two to three days through the particular agency administering the contract.

Representative Long asked if the Division of Purchases matched prices. Mr. Howe stated that Fisher Scientific would match prices in most cases. The goal of the contract was to avoid the administrative processes, but negotiations were made with Fisher Scientific for lower prices and additional discounts based on volume.

Chairman Emler introduced Captain Mark Bruce with the Kansas Highway Patrol, and welcomed him to the Committee.

Captain Bruce thanked the Committee for the opportunity to appear and explain the process that KHP employs regarding the purchase of equipment with the ODP funds. Captain Bruce explained that Kansas was awarded \$2,321,000 from the State Homeland Security Grant Program in the latter part of 2001 for the purpose of purchasing first responder equipment. Concern was expressed as to the logistical and administrative impact of disbursing the money amongst the 105 counties. KHP became aware of a competitively bid, statewide contract that existed in April of 2001, and entered in the contract with Fisher Scientific to streamline equipment acquisition. Captain Bruce noted that in the U. S. Department of Homeland Security's Office of the Inspector General report titled, *An Audit of Distributing and Spending First Responder Grant Funds*, Kansas ranked second nationally in providing Federal Fiscal Year 2002 funds to local units of government (Attachment 5).

Chairman Emler welcomed Mr. Steve Smith, Senior Vice President of Fisher Scientific Corporation, to the Committee. Mr. Smith gave a PowerPoint presentation of the Quartermaster Program. Mr. Smith explained that in 2004, \$4.2 million of Kansas Homeland Security funding was with Kansas businesses, which include businesses in Lawrence, Manhattan, Lenexa, Mayfield, Great Bend, Olathe, Lenora, Seneca, Wichita, and Topeka.

Mr. Smith commented that the website approach provides first responders with easy access to products, training, and services. It also provided streamlined, integrated procurement and reporting processes. He remarked that Fisher had produced a custom catalogue for the State of Kansas products to provide only those products that met the requirements of the standardized equipment list from ODP, and those products and services that KHP and other agencies had recommended for use. He noted that only authorized users were able to access this secure site, with authorized password and code, which is provided by KHP. Every agency is provided with an electronic debit card based on the funds provided by KHP. The local administration is able to monitor the transaction, how much money the agency was granted, used, remaining, and then provide full accountability in terms of order tracking and auditing (Attachment 6).

Vice Chairman Tafanelli asked if there were savings on a particular item, such as one that the price had been matched, does the price stay the same for the remainder of the contract for all other agencies.

Mr. Howe stated that in January, the Division of Purchases contacted Fisher about lowering prices, with the final decision being the utilization of volume sales. Mr. Smith explained that there were other states that had conducted savings analysis and had estimated a 15-25 percent savings in administrative costs associated with this program.

Vice Chairman Tafanelli ask Captain Bruce to discuss the audit relating to the distribution of funds to local units of government. Captain Bruce stated that the audit analyzed the state's ability to pass monies to the first responder community ensuring that the state was distributing in an expedient fashion.

Vice Chairman Tafanelli asked Captain Bruce to provide the Committee a copy of the audit report.

Chairman Emler thanked the conferees for their appearance and recessed the meeting until 1:30 p.m.

Afternoon Session

The Committee reconvened at 1:40 p.m.

Chairman Emler recognized Deb Miller, Secretary, Kansas Department of Transportation (KDOT), to discuss the passage of 2004 HB 2756, "the Interoperability Communication Plan." Secretary Miller explained that HB 2756 would allow the Department to purchase and lease radios to public safety entities throughout the state. However, she noted that to become interoperable, enhancements would need to be completed to the Department's communication towers.

Chairman Emler thanked Ms. Miller for appearing before the Committee, and recognized Mr. Ed Greer, Kansas Department of Transportation, to give a PowerPoint presentation regarding the statewide 800 MHz Communications System Radio Business Plan, and Interoperable Communications (Attachment 7).

Mr. Greer provided the Committee with background information regarding the 800 MHz radio system installed and maintained by KDOT, the number of towers (76), and the number of radios utilized by KDOT and KHP. He remarked that the purpose of HB 2756 was to use the current statewide 800 MHz systems to provide interoperable communications to the public safety sector, by making the equipment available to the public safety sector either by leasing or purchasing equipment. Financing would be provided through a revolving fund or bond issuance. Mr. Greer noted that a company was hired to develop a radio business plan, which would provide the objectives of the leasing program, implementation roadmap, and identify available assets and resources. This company will provide lease cost models and lease agreements. The preliminary implementation schedule would begin in South-central Kansas. Northeast Kansas would be the next section for implementation, followed by North-central and Southeast Kansas, then Western Kansas. It is estimated that the installation would take 48 months. KDOT scheduled November 1, 2004, as the projected date for leasing space on the tower to be in place. Meetings would be scheduled in each region to provide a formal notification to the law enforcement and emergency personnel by the Secretary of KDOT. At that time, KDOT will also provide legislative updates.

Mr. Greer informed the Committee that KDOT had received ODP funds and had requested federal earmarks for FY 2005. The Department has requested \$6.3 million for FY 2005, and \$15 million in 2006, 2007, and 2008, respectively, for program enhancements to the radio system.

Mr. Greer thanked the Committee for allowing him to come and present the information concerning the Interoperability Communications System.

Chairman Emler asked for Committee questions.

Vice Chairman Tafanelli asked Mr. Greer why KDOT would want to allow private enterprises to lease space on the towers before public agencies.

Mr. Greer remarked that the public safety agencies have priority and after accessing the remaining space private entities will be allowed to access the towers (with appropriate evaluation of any interference issues).

Vice Chairman Tapanelli asked Mr. Greer to comment further on the Department's interoperability plan.

Mr. Greer stated that November 1 was the scheduled date to open up the towers for lease by the private sector, with January 1 being the date to begin lease agreements with public safety agencies.

Chairman Emler thanked Mr. Greer for his presentation and welcomed Terri Ploger-McCool, Homeland Security Regional Program Administrator, to the Committee.

Chairman Emler recognized Gordon Lansford, Director, Information Technology Kansas Bureau of Investigation. He gave a PowerPoint presentation on the Kansas Criminal Justice Information System (KCJIS) (Attachment 8). The functionality of KCJIS is to provide:

- a communications system;
- a multiple state, local, and national databases;
- highly secure network (only authorized users have access to KCJIS via Secure ID);
- accessible via KANWIN or the Internet;
- connection to all 105 counties;
- creation of information sharing among 1,789 criminal justice agencies and 7,668 users; and
- operational since 1998.

Ms. Ploger-McCool gave an overview of the new Homeland Regional Coordinator Program established within the Adjutant General's Department under the Division of Emergency Management (Attachment 9). The new infrastructure has been created based on seven administrative regions (which match the six trauma regions), with the exception of seventh region, which was carved from the Northeast area to focus on the preparedness initiatives specific to the metro area. She added that seven regional coordinators had been hired and are based in Dodge City, Hays, Iola, Olathe, Salina, Topeka, and Wichita. The primary mission of the positions is to coordinate a regional exercise program utilizing a threat and performance based exercise process in coordination with the Homeland Security Exercise and Evaluation Program.

Ms. Ploger-McCool informed the Committee that the state is developing a State Homeland Security Exercise and Evaluation Program (SHSEEP), which will encompass four types of hazards: radiological, chemical, foreign animal disease, and human epidemic (interrelated with bioterrorism). Exercise needs include establishing and enhancing partnerships and procedures in order to respond on a local/regional basis.

Vice Chairman Tapanelli asked what are the regional coordinators responsibilities and roles in assisting counties with preparing their disaster response. Ms. Ploger-McCool stated that after each exercise plan the regional coordinators must document those plans and if necessary

go back to the planning process to ensure that all the necessary procedures are in place for an emergency.

Chairman Emler thanked Ms. Ploger-McCool for her presentation and the Chairman recessed the Committee for ten minutes.

The Committee resumed at 3:00 p.m.

There were some changes to the minutes of the last meeting as discussed by staff. On pages 5 and 6, the motions to close the meeting are to be corrected as follows: *to Co Chairman Tafanelli opening the meeting, Senator Emler moving to close the meeting, to Senator Emler opened the meeting, and Co Chairman Tafanelli moved that the meeting be closed. Also in the same paragraph, the time should be changed to 4:30 p.m.* Senator Emler pointed out that the terminology of "Co-Chairs" needs to be changed to Chairman and Vice Chairman. Staff made note.

Senator Jordan moved the minutes be approved with the changes, Representative Judy Showalter seconded the motion. The motion carried.

Robert Waller gave a preliminary listing of the Committee's task, issues, subjects, and concerns regarding the creation of an Interim report, those being:

- □ Mandating a full-time Emergency Manager in each county or particular designated region;
- □ Promoting Board of Regents involvement in homeland security matters:
 - □ providing training;
 - □ Homeland Security discussions;
 - □ acquisition of Homeland Security funding;
- □ Creation of language making "terrorism" a crime;
- □ Review of Federal Homeland Security funding;
- □ Review of Senate rules relating to the announcement of particular meetings; and
- □ Review of exemption from liability for private industry in disclosing security specific inadequacies (Attachment 10).

Chairman Emler clarified point No. 5, and explained that when members of the same Committee meet (thus creating the majority of a quorum), there needs to be an announcement to the general public on that "meeting." Members currently are not able to meet with other Senate Committees or with a private industry, under the current rules, the meeting must be announced.

Chairman Emler noted that the Adjutant General has found that private industry has been somewhat reluctant to discuss or meet with the state, because of their vulnerability to lawsuits.

Committee discussion followed.

Vice Chairman Tafanelli suggested staff contact the Technology Subcommittee chaired by Senator Pat Roberts on which Regents Universities meet on a quarterly or semi-annual basis, to discuss the activities of each entity in regards to technology.

Chairman Emler requested a letter be drafted and sent to our Congressional delegation requesting the direct appropriation of federal funds to finance the creation of an interoperable communication system.

Representative Goico moved that the meeting be adjourned and Representative Long seconded the motion. The motion carried.

The meeting was adjourned at 3:40 pm.

Prepared by Cathy Conn
Edited by Robert Waller

Approved by Committee on:

December 9, 2004

(date)

40432--(12/10/4{8:24AM})