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Brigadier General Michael T. Venerdi
The Adjutant General and Director of
Emergency Management & Homeland Security

Laura Kelly, Governor

January 22, 2024

Committee on Appropriations
Kansas House of Representatives
Attn: Representative Troy Waymaster, Chairman
Cc: Susan McClacherty, Committee Assistant
State Capitol, Room 112-N
300 SW 10th Ave
Topeka, KS 66612

Dear Chairman Waymaster and Members of the Committee,

Thank you for the opportunity to discuss the following recommendations and perspectives on House Bill No. 2468. Angee Morgan, the Deputy Director for Emergency Management, will testify on my behalf.

The Adjutant General's Department, Kansas Division of Emergency Management supports portions of House Bill No. 2468 with amendments.

The National Incident Management System (NIMS) defines a comprehensive approach to coordinating and managing incidents, and an interoperable approach to sharing resources and communicating information. This system has been in use since the mid-1990s and has been adopted nationwide, including Kansas by Executive Order 05-03.

NIMS guides all levels of government, non-governmental organizations, and the private sector, to work together and share common standard processes to successfully respond and recover from an incident. NIMS defines operational systems, including Incident Command. It is scalable and flexible to be used for all incidents, no matter how complex.

The Incident Commander is the individual responsible for on-scene incident activities and is **appointed by the local jurisdiction in which the disaster has occurred**. Using the Incident Command System (ICS) approach defined in NIMS provides for this organizational structure.

The Kansas emergency operations plan, referred to as the Kansas Response Plan (KRP), is built on the principles of NIMS and describes the operational and resource structure to support existing Kansas statutes and decision-making entities during the response to any specific threat or incident. The plan is designed to address all-hazards which could potentially affect Kansas. Considering all hazards and threats helps identify essential common tasks and those responsible for accomplishing

them. This prevents having multiple plans for every type of hazard. Local Emergency Operations Plans (LEOPs), developed at the county level of government, are built on the same principles.

Weather-disasters are not specifically defined in NIMS doctrine or emergency operations plans, as the consequences of the weather would cause a similar response as other types of disasters.

As explained in the KRP, resource requests and situational awareness information is provided to the Staff Duty Officer at KDEM, or state emergency operations center if activated, normally by the county emergency manager or their designee. The identity of the Incident Commander for each operational period is normally provided to KDEM, particularly when there is a need for resource providers to obtain additional information for deployment.

KDEM supports establishing a disaster contingency fund for use by the state finance council to match federal funds, and funds to respond to disasters as declared by the governor pursuant to KSA 48-907.

Requests for federal disaster assistance are based on the requirements outlined in the Stafford Act (Public Law 93-288). Eligibility for reimbursement or post-disaster grant funding is set forth in this Act. The state provides a portion of non-federal matching funds for federally declared disasters. Grant administration of Stafford Act programs are defined thru federal laws, policy, and guidance. KDEM administers portions of the Public Assistance Programs and works with eligible applicants who have legal responsibility. In most cases, this is not an Incident Commander or county emergency manager. KDEM provides technical assistance and training on eligibility and criteria for determination by FEMA or the President on these programs.

In September 2023, the Governor promulgated the Kansas Disaster Recovery Plan (KDRP), which is a companion to the Kansas Response Plan. The KDRP outlines the disaster recovery strategy and coordination structure for the state. The State of Kansas is prepared to provide support for local recovery efforts in recognition that disaster recovery is led at the local level by impacted jurisdictions. The participation of state agencies in recovery is organized via Recovery Support Functions which ensures alignment and integration of the various recovery efforts.

Additional state staffing is required to support local jurisdictions recovery efforts, especially during catastrophic events or multiple jurisdictions affected at the same time.

In summary:

1. The Incident Commander is appointed by the jurisdiction in which the disaster has occurred. This is in alignment with national best practices, Kansas Response Plan, and Local Emergency Operations Plans.
2. Plans, procedures, and processes are based on risks and all-hazards for standardization and common emergency and recovery functions.
3. An established disaster contingency fund is supported.

4. The Federal Emergency Management Agency (FEMA) defines roles and responsibilities regarding Stafford Act programs and eligibility.
5. The Kansas Disaster Recovery Plan promulgated in October 2023 outlines the roles and responsibilities of state agencies to support local jurisdictions following a disaster.

My staff at the Kansas Division of Emergency Management is standing by to work with members of the committee and the Revisor's Office to assist in developing the bill as needed.

You are always welcome to reach out to me if you need anything. You may also contact my legislative liaison, Lt. Col. Keith Marshall, at 785-646-0011 or keith.marshall.1@us.af.mil.

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The Adjutant General