

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 15, 2011, in Room 144-S of the Capitol.

All members were present except::
Senator Steve Morris

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Dennis Hodgins, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the Committee:

Anthony Fadale, State ADA Coordinator
Martha Gabehart, Kansas Commission on Disability Concerns
Representative Bob Bethell
Scott Frank, Legislative Division of Post Audit
Doug Jorgensen, Acting Fire Marshal
Leslie Kaufman, KCC, KARA, PMCA
Jack Taylor, Kansas Professional Fire Chiefs Association
Dennis Phillips, Kansas State Council of Fire Fighters
David Hutchings, Kansas Bureau of Investigation

Others attending:
See attached list.

Testimony and a copy of DD Form 93 was provided by Representative Melanie Meier on **HB 2060--Recognizing the primacy of decisions written by a member of the military on the federal DD form 93.** (Attachment 1)

Introduction of Bills

Senator Haley requested a bill introduction concerning certain elections; enacting the interstate compact on the agreement among the states to elect the president by the National Popular Vote Act.

Senator Haley moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

SB 223--Public facilities; accessibility standards, disabled persons

Chairman Brungardt opened the hearing on **SB 223**.

Staff provided an overview of the bill.

Anthony A. Fadale, Americans with Disabilities Act Coordinator, Department of Social and Rehabilitation Services, testified in favor of the bill. (Attachment 2) The bill would incorporate amendments made in 2008, to the federal Americans with Disabilities Act regarding accessibility standards for public facilities into state law.

Martha Gabehart, Executive Director, Kansas Commission on Disability Concerns, (KCDC) spoke in favor of the bill. (Attachment 3) The bill requires public buildings to be built using the accessibility standards established in the Americans with Disabilities Act (ADA); these standards were updated in 2010 and will align Kansas accessible building standards with the federal standards. This reduces confusion by architects and builders when designing buildings.

Jane Rhys, Ph.D., Executive Director, Kansas Council on Developmental Disabilities, provided written testimony in support of the bill. (Attachment 4) The bill will bring Kansas into compliance with recent federal law changes.

CONTINUATION SHEET

The minutes of the Federal and State Committee at 10:30 a.m. on March 15, 2011, in Room 144-S of the Capitol.

Chairman Brungardt closed the hearing on **SB 223**.

SB 220--Abolishing the office of the state fire marshal and transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the division of emergency management

Chairman Brungardt opened the hearing on **SB 220**.

Staff provided an overview of the bill.

Representative Bob Bethell appeared in support of the bill. (Attachment 5) The bill would dismantle the Office of the State Fire Marshal and would transfer most powers, duties, and functions of the agency to the Division of Facilities Management of the Department of Administration. Representative Bethell and others in the Legislature have thought that there was a need for oversight for this office.

Scott Frank, Legislative Division of Post Audit, provided background information on the bill from a performance audit report: June of 2004, "Kansas Fire Marshal: Reviewing the Funding and Administration of the Agency." (Attachment 6) Mr. Wells stated that as an independent agency it doesn't report to an oversight board or commission; the Fire Marshal's Office receives less direct oversight than most of the agencies looked at. Only 5 state fire safety offices are structured as independently as the Fire Marshal's Office; most are part of a larger agency.

Doug Jorgensen, Acting State Fire Marshal, appeared and provided neutral/logistical testimony on the bill. (Attachment 7) Mr. Jorgensen stated in review of the Fire Marshal's inspection process; it was discovered that the Fire Marshal's office was currently conducting inspections of buildings in violation of KSA 31-133 (c), and that this only allows existing buildings to be inspected under the rules and regulations that were in place in the State the year the building was built. The Fire Marshal's Office has begun the process of reviewing all inspections completed in the last 18 months and will be resending/canceling citations that were issued in error.

During the review of this bill by the Fire Marshal's office, some technical, logistical, and funding issues have come to light. In order to ensure that the receiving agencies have the needed support to fulfill the additional reporting and inspection duties being moved, the following recommendations were proposed:

- In regard to the support positions in the Investigation Division, and their inspection and licensing responsibilities, which do not transfer to the KBI, the currently filled Senior Administrative Specialist positions should be transferred to the Department of Administration where those responsibilities are moving.
- Fill the two vacant Fire Prevention Inspector positions, and the vacant Fire Protection Specialist position. These additional positions will be needed to address the added explosive/fireworks inspections that are currently a responsibility of investigations, but also moving to the Department of Administration
- In order to protect the current employees of the Fire Marshal's Office, if another agency decides not to assume their position, include lay-off language so that the employee can encompass the entire receiving agency when exercising his/her Civil Service lay-off rights.
- The percentages of funding in the bill does not adequately fund the positions and responsibilities that are given to some of the agencies.

A table was provided with technical issues in the bill.

Leslie Kaufman, the President/CEO of the Kansas Cooperative Council, (KCC) and on behalf of the Kansas Agribusiness Retailers Association (KARA) and the Petroleum and Convenience Store Association of Kansas (PMCA of Kansas) testified with concerns on the bill. (Attachment 8) The bill establishes a process to parcel out the duties of the state fire marshal to various agencies. It is the understanding that by moving these duties to other agencies, the state could save money and be more efficient in carrying out these duties. All of the members of the associations listed sell or distribute liquid propane to Kansas consumers which is currently regulated by the State Fire Marshal's Office. In the bill, the inspection and licensing of propane would be transferred to the Department of Administration, Division of Facilities Management; and we suggest that it would be more efficient and effective to move

CONTINUATION SHEET

The minutes of the Federal and State Committee at 10:30 a.m. on March 15, 2011, in Room 144-S of the Capitol.

the

propane section of the Fire Marshal's Office to the Kansas Department of Agriculture (KDA). The KDA inspectors are already coming to the members' facilities or stores and perform some type of inspection (scales, feed, food, gasoline dispensers, etc.) there; KDA is already at the locations and could with some training perform the liquid propane inspection. The members' would also request that the appropriate funding and personnel needed to carry-forth these responsibilities also be transferred to the Kansas Department of Agriculture.

Jack Taylor, President, Kansas Professional Fire Chiefs Association and Chief of the Emporia Fire Department, appeared before the committee to testify in opposition of the bill. (Attachment 9) Parceling the Fire Marshal's office into several segments and placing them into various unrelated agencies will make it more difficult for communications and interaction from a local level to state level. KSA 75-1510 states: "Any person appointed as state fire marshal shall have a knowledge of building construction and, at the time of appointment, shall have had not less than five years' experience in fire safety inspection and investigation." These pre-requisites don't reflect the responsibilities and nature of the job. Mr. Taylor provided the committee a copy of the Kansas Commission on Emergency Planning and Response, 2010 Annual Report.

Mr. Taylor's recommendation would be to form a commission made up of fire chiefs and legislators to study and confer on the issue and bring back a mutually acceptable bill for the next session.

Dennis Phillips, Kansas State Council of Fire Fighters, spoke in opposition on the bill. (Attachment 10) The bill would make the process for requesting assistance from the Fire Marshals office a lot more difficult. If a fire department or citizen needs help today there is one agency to contact not two or three. These requests can be time sensitive and need to be acted upon as soon as possible.

Written testimony in opposition was provided by Robert W. McLemore, President, Kansas State Association of Fire Chiefs, (Attachment 11) The Fire Marshal's Office provides a vital service to fire departments and communities at the local level; the office is a conduit for information flow to and from the state/national level. Abolishing the office and moving its parts to other agencies will make timely communications more difficult and overall cost savings are questionable.

Kevin Flory, 1st Vice President, Kansas State Firefighters Association, provided written testimony in opposition to the bill. (Attachment 12) The State Fire Marshal's Office should be preserved intact as one group so the fire service of the state will still have a one stop shop for its needs.

David Hutchings, Special Agent in Charge, Kansas Bureau of Investigation, provided neutral testimony on the bill. (Attachment 13) The KBI would request consideration of a friendly amendment:

- KBI would ask that the share of the fee fund to be transferred to the KBI be amended from 21% to 27%. This would prevent the KBI from experiencing the equivalent of a further cut to its budget
- KBI would ask that KSFM investigators be transferred to the KBI at a range 30 and be classified as agents, and be given guidance as to whether to attempt to retain their present step.

Kyle Smith, Assistant Attorney General, provided neutral written testimony on the bill. (Attachment 14) The Attorney General's office has the same concerns as the KBI; that this not be an unfunded mandate, and the important responsibilities of the fire marshal's office be continued.

Chairman Brungardt closed the hearing on **SB 220**.

HB 2060--Recognizing the primacy of decisions written by a member of the military on the federal DD form 93.

Chairman Brungardt opened discussion on the testimony provided by Representative Meier. (Attachment 1) The DD form 93, the instruction for filling out the form on the back states in item 13a the name and relationship of Person Authorized to Direct Disposition (PADD). The DD93 is filled out by all service members once a year and a new one is filled out immediately prior to deployment. It is the latest document that records a service member's wishes. Once the service member's remains are released from the Department of Defense, all other documents and priorities list in current statute remain in place.

CONTINUATION SHEET

The minutes of the Federal and State Committee at 10:30 a.m. on March 15, 2011, in Room 144-S of the Capitol.

The committee requested information or agreement from Judge Advocate General (JAG).

The next meeting is scheduled for March 16, 2011. The meeting was adjourned at 11:50 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 3-15-11

NAME	REPRESENTING
Jeff Hudson	Kansas State Assoc of Fire Chiefs
Pat Lehman	KFCP
Jack Tancor	Kansas Professional Fire Chiefs
Anthony C. Fodale	State AFA Coord.
Todd Fertig	Wichita Eagle
Marilyn Jacobson	Dept of Polm
Leslie Kaufman	Ks Co-op Council
Tim Tyson	KDA
PALACE	PM of KS
Scott Heidner	ACEC of KS
Bruce Miller	KOSE
Jane Ca Aev	KOSE
Dennis Phillips	KSCFF
Ed Redmon	KSCFF
Doug Jorgensen	Fire Marshal
Becky Bahr	" "
Brenda Schuette	" "
Rose Ramiarek	KS FM
A.J. Clemmons	
Kevin Flory	Kansas State Firefighters Association
Lydia Buster	Federico Consulting
COREY PERSON	AGC of KS
Judy Aron	Amer Inst of Architects
Nancy Zogleman	Polsinelli
TED HANSEN	as.
DAVID Young	

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE _____

[illegible]

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
TOPEKA, KANSAS 66612
785-296-7668
melanie.meier@house.ks.gov



31301 175TH STREET
LEAVENWORTH, KS 66048
913-683-1610

MELANIE MEIER
40TH DISTRICT

March 9, 2011

Mr. Chairman and distinguished Members of the Committee,

Thank you for the opportunity to speak with you today in support of HB 2060, a provision that will Kansas courts to recognize the Department of Defense form 93 (DD93). I have provided a copy of the DD93 with my written testimony.

The Governor's Military Council is a partnership between the administration, key legislators, all members of the Kansas congressional delegation and key business and military leaders representing the Kansas communities of Leavenworth/Lansing, Junction City/Manhattan, Wichita, and Topeka. The council fosters cooperation between the installations and private and public sectors, and pursues initiatives to enhance the quality of life for all military personnel, active and retired.

The Governor's Military Council requested the introduction of HB2060 at the behest of the Department of Defense. There have been issues during the current war on terror with family members fighting over who receives a service member's remains. While the court case is in progress, the remains stay at Dover AFB "on the shelf." This is not the "dignified transfer" that is required for our service members. In 2008, the Department of Defense updated the DD93 and added box 13a. on the back side for "the Person Authorized to Direct Disposition."

The DD93 is filled out by all service members once a year and a new one is filled out immediately prior to deployment. It is the latest document that records a service member's wishes. Once the service member's remains are released from the Department of Defense, all other documents and priorities listed in current statute remain in place.

Thank you for your time and attention and I will stand for any questions you may have.

Representative Melanie Meier

Sn Fed & State
Attachment 1
3-15 -11

RECORD OF EMERGENCY DATA

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 552, 10 USC 655, 1475 to 1480 and 2771, 38 USC 1970, 44 USC 3101, and EO 9397 (SSN).

PRINCIPAL PURPOSES: This form is used by military personnel and Department of Defense civilian and contractor personnel, collectively referred to as civilians, when applicable. For military personnel, it is used to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death. For civilian personnel, it is used to expedite the notification process in the event of an emergency and/or the death of the member. The purpose of soliciting the SSN is to provide positive identification. All items may not be applicable.

ROUTINE USES: None.

DISCLOSURE: Voluntary; however, failure to provide accurate personal identifier information and other solicited information will delay notification and the processing of benefits to designated beneficiaries if applicable.

INSTRUCTIONS TO SERVICE MEMBER

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty (other family members or fiancé), and, to designate beneficiaries for certain benefits if you die. IT IS YOUR RESPONSIBILITY to keep your Record of Emergency Data up to date to show your desires as to beneficiaries to receive certain death payments, and to show changes in your family or other personnel listed, for example, as a result of marriage, civil court action, death, or address change.

INSTRUCTIONS TO CIVILIANS

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty. Not every item on this form is applicable to you. This form is used by the Department of Defense (DoD) to expedite notification in the case of emergencies or death. It does not have a legal impact on other forms you may have completed with the DoD or your employer.

IMPORTANT: This form is divided into two sections: Section 1 - Emergency Contact Information and Section 2 - Benefits Related Information. READ THE INSTRUCTIONS ON PAGES 3 AND 4 BEFORE COMPLETING THIS FORM.

SECTION 1 - EMERGENCY CONTACT INFORMATION

1. NAME (Last, First, Middle Initial)

2. SSN

3a. SERVICE/CIVILIAN CATEGORY

☐ ARMY ☐ NAVY ☐ MARINE CORPS ☐ AIR FORCE ☐ DoD ☐ CIVILIAN ☐ CONTRACTOR

b. REPORTING UNIT CODE/DUTY STATION

4a. SPOUSE NAME (If applicable) (Last, First, Middle Initial)

☐ SINGLE ☐ DIVORCED ☐ WIDOWED

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

5. CHILDREN

a. NAME (Last, First, Middle Initial)

b. RELATIONSHIP

c. DATE OF BIRTH
(YYYYMMDD)

d. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

6a. FATHER NAME (Last, First, Middle Initial)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

7a. MOTHER NAME (Last, First, Middle Initial)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

8a. DO NOT NOTIFY DUE TO ILL HEALTH

b. NOTIFY INSTEAD

9a. DESIGNATED PERSON(S) (Military only)

b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER

10. CONTRACTING AGENCY AND TELEPHONE NUMBER (Contractors only)

SECTION 2 - BENEFITS RELATED INFORMATION

11a. BENEFICIARY(IES) FOR DEATH GRATUITY <i>(Military only)</i>	b. RELATIONSHIP	c. ADDRESS <i>(Include ZIP Code)</i> AND TELEPHONE NUMBER	d. PERCENTAGE
12a. BENEFICIARY(IES) FOR UNPAID PAY/ALLOWANCES <i>(Military only)</i> NAME AND RELATIONSHIP		b. ADDRESS <i>(Include ZIP Code)</i> AND TELEPHONE NUMBER	c. PERCENTAGE
13a. PERSON AUTHORIZED TO DIRECT DISPOSITION (PADD) <i>(Military only)</i> NAME AND RELATIONSHIP		b. ADDRESS <i>(Include ZIP Code)</i> AND TELEPHONE NUMBER	
14. CONTINUATION/REMARKS			
15. SIGNATURE OF SERVICE MEMBER/CIVILIAN <i>(Include rank, rate, or grade if applicable)</i>	16. SIGNATURE OF WITNESS <i>(Include rank, rate, or grade as appropriate)</i>	17. DATE SIGNED <i>(YYYYMMDD)</i>	

INSTRUCTIONS FOR PREPARING DD FORM 93

(See appropriate Service Directives for supplemental instructions for completion of this form at other than MEPS)

All entries explained below are for electronic or typewriter completion, except those specifically noted. If a computer or typewriter is not available, print in black or blue-black ink insuring a legible image on all copies. Include "Jr.," "Sr.," "III" or similar designation for each name, if applicable. When an address is entered, include the appropriate ZIP Code. If the member cannot provide a current address, indicate "unknown" in the appropriate item. Addresses shown as P.O. Box Numbers or RFD numbers should indicate in Item 14, "Continuations/Remarks", a street address or general guidance to reach the place of residence. In addition, the notation "See Item 14" should be included in the item pertaining to the particular next of kin or when the space for a particular item is insufficient. If the address for the person in the item has been shown in a preceding item, it is unnecessary to repeat the address; however, the name must be entered. Those items that are considered not applicable to civilians will be left blank.

ITEM 1. Enter full last name, first name, and middle initial.

ITEM 2. Enter social security number (SSN).

ITEM 3a. Service. **Military:** Mark X in appropriate block. **Civilian:** Mark two blocks as appropriate. Examples: an Army civilian would mark Army and either Civilian or Contractor; a DoD civilian, without affiliation to one of the Military Services, would mark DoD and then either Civilian or Contractor as appropriate.

ITEM 3b. Reporting Unit Code/Duty Station. See Service Directives.

ITEM 4a. Spouse Name. Enter last name (if different from Item 1), first name and middle initial on the line provided. If single, divorced, or widowed, mark appropriate block.

ITEM 4b. Address and Telephone Number. Enter the "actual" address and telephone number, not the mailing address. Include civilian title or military rank and service if applicable. If one of the blocks in 4a is marked, leave blank.

ITEM 5a-d. Children. Enter last name (only if different from Item 1) first name and middle initial, relationship, and date of birth of all children. If none, so state. Include illegitimate children if acknowledged by member or paternity/maternity has been judicially decreed. Relationship examples: son, daughter, stepson or daughter, adopted son or daughter or ward. Date of birth example: 19950704. For children not living with the member's current spouse, include address and name and relationship of person with whom residing in item 5d.

ITEM 6a. Father Name. Last name, first name and middle initial.

ITEM 6b. Address and Telephone Number of Father. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural father is listed, indicate relationship.

ITEM 7a. Mother Name. Last name, first name and middle initial.

ITEM 7b. Address and Telephone Number of Mother. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural mother is listed, indicate relationship.

ITEM 8. Persons Not to be Notified Due to Ill Health.

a. List relationship, e.g., "Mother," of person(s) listed in Items 4, 5, 6, or 7 who are not to be notified of a casualty due to ill health. If more than one child, specify, e.g., "daughter Susan." Otherwise, enter "None".

b. List relationship, e.g., "Father" or name and address of person(s) to be notified in lieu of person(s) listed in item 8a. If "None" is entered in Item 8a, leave blank.

ITEM 9a. This item will be used to record the name of the person or persons, if any, other than the member's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if the member is placed in a missing status. Reference 10 USC, Section 655. **NOT APPLICABLE to civilians.**

ITEM 9b. Address and telephone number of Designated Person(s). **NOT APPLICABLE to civilians.**

ITEM 10. Contracting Agency and Telephone Number (**Contractors only**). **NOT APPLICABLE to military personnel.** Civilian contractors will provide the name of their contracting agency and its telephone number. Example: XYZ Electric, (703) 555-5689. The telephone number should be to the company or corporation's personnel or human resources office.

ITEM 11a. Beneficiary(ies) for Death Gratuity (**Military only**). Enter first name(s), middle initial, and last name(s) of the person(s) to receive death gratuity pay. A member may designate one or more persons to receive all or a portion of the death gratuity pay. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the person may receive. If the member does not wish to designate a beneficiary for the payment of death gratuity, enter "None," or if the full amount is not designated, the payment or balance will be paid as follows:

- (1) To the surviving spouse of the person, if any;
- (2) To any surviving children of the person and the descendants of any deceased children by representation;
- (3) To the surviving parents or the survivor of them;
- (4) To the duly appointed executor or administrator of the estate of the person;
- (5) If there are none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

The member should make specific designations, as it expedites payment.

INSTRUCTIONS FOR PREPARING DD FORM 93

(Continued)

ITEM 11a. (Continued) Seek legal advice if naming a minor child as a beneficiary. If a member has a spouse but designates a person other than the spouse to receive all or a portion of the death gratuity pay, the Service concerned is required to provide notice of the designation to the spouse. **NOT APPLICABLE to civilians.**

Item 11b. Relationship. **NOT APPLICABLE to civilians.**

ITEM 11c. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 11d. Show the percentage to be paid to each person. Enter 10%, 20%, 30%, up to 100% as appropriate. The sum shares must equal 100 percent. If no percent is indicated and more than one person is named, the money is paid in equal shares to the persons named. **NOT APPLICABLE to civilians.**

ITEM 12a. Beneficiary(ies) for Unpaid Pay/Allowance (**Military only**). Enter first name(s), middle initial, last name(s) and relationship of person to receive unpaid pay and allowances at the time of death. The member may indicate anyone to receive this payment. If the member designated two or more beneficiaries, state the percentage to be paid each in item 10c. If the member does not wish to designate a beneficiary, enter "By Law." The member is urged to designate a beneficiary for unpaid pay and allowances as payment will be made to the person in order of precedence by law (10 USC 2771) in the absence of a designation. Seek legal advice if naming a minor child as beneficiary. **NOT APPLICABLE to civilians.**

ITEM 12b. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 12c. If the member designated two or more beneficiaries, state the percentage to be paid each in this section. The sum shares must equal 100 percent. **NOT APPLICABLE to civilians.**

ITEM 13a. Enter the name and relationship of the Person Authorized to Direct Disposition (PADD) of your remains should you become a casualty. Only the following persons may be named as a PADD: surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person standing in loco parentis may be named. **NOT APPLICABLE to civilians.**

ITEM 13b. Address and telephone number of PADD. **NOT APPLICABLE to civilians.**

ITEM 14. Continuations/Remarks. Use this item for remarks or continuation of other items, if necessary. Prefix entry with the number of the item being continued; for example, 5/John J./son/ 19851220/321 Pecan Drive, Schertz TX 78151. Also use this item to list name, address, and relationship of other persons the member desires to be notified. Other dependents may also be listed. This block offers the greatest amount of flexibility for the member to record other important information not otherwise requested but considered extremely useful in the casualty notification and assistance process. Besides continuing information from other blocks on this form, the member may desire to include additional information such as: NOK language barriers, location or existence of a Will, additional private insurance information, other family member contact numbers, etc. If additional space is required, attach a supplemental sheet of standard bond paper with the information.

ITEM 15. Signature of Service Member/Civilian. Check and verify all entries and sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade if applicable. May be electronically signed (see DoD Instruction 1300.18 for guidelines).

ITEM 16. Signature of Witness. Have a witness (disinterested person) sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade as appropriate. A witness signature is not required for electronic versions of the DD Form 93 (see DoD Instruction 1300.18).

ITEM 17. Date the member or civilian signs the form. This item is an ink entry and must be completed on all copies.

Americans with Disabilities Act Coordinator
915 SW Harrison Street
6th Floor
Topeka, KS 66612



Phone: 785-296-1389
Fax: 785-296-2173
TTY: 711
anthony.fadale@srs.ks.gov

Robert Siedlecki, Acting Secretary
Anthony A. Fadale, Coordinator

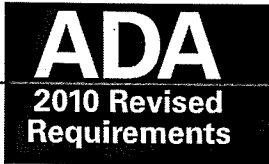
Department of Social and
Rehabilitation Services

Sam Brownback, Governor

Chairman Brungardt and members of the committee, my name is Anthony Fadale and I am the State ADA Coordinator. My job is to ensure that the State of Kansas programs, services and activities and our facilities such as the Statehouse are accessible and usable to individuals with disabilities.

After the passage of the ADA the Legislature incorporated Titles II and III into State statute to ensure that our state law paralleled Federal law. The United States Department of Justice recently issued updated regulations which had not been updated or modified for 20 years. After consulting with the Revisers it was determined that we should update our statute to ensure the public of regulatory certainty as they build and alter facilities. These new Federal regulations also achieve a balanced approach for government and business while still protecting people with disabilities civil rights by allowing for practical exceptions and narrow safe harbors the 1991 standards do not have.

Under the ADA State and local governments are allowed to have statutes which provide equal or stronger accessibility standards for people with disabilities. SB 223 ensures that we bring that balance and consistency by aligning our state statutes. I would be happy to answer any questions the committee may have.



Effective Date Compliance Date

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design ("2010 Standards").

Overview

The effective date of the Department's two revised ADA rules is March 15, 2011. Of course, even before this date, entities covered by titles II and III of the ADA are still subject to the requirements in the Department's 1991 regulations. These new revised rules set out several different "compliance dates," dates by which entities covered by the ADA are required to comply with the new or revised provisions of the Department's rules.

Title II and title III have no effect on any State or local laws that provide protection for individuals with disabilities at a level greater than or equal to that provided by the ADA. Compliance with less stringent state or local laws does not constitute compliance with the ADA.

March 15, 2011, is the effective date for the revised title II and title III regulations which include, in part, requirements for:

- Service animals, ticketing, and use of wheelchairs, manually-powered mobility aids and other power-driven mobility devices;

For example, a sports arena, on or after March 15, 2011, must tell an individual with a disability and his or her companions about the features of accessible seating. If seating maps or brochures are provided to the general public, similar information showing accessible seating must be provided to individuals with disabilities.

- Effective Communication (auxiliary aids and services); and
- Examinations and Courses.

(continued, page 2)

Overview (continued)

March 15, 2012 is the compliance date for provisions governing hotel reservation policies.

For example, on or after March 15, 2012, reservations staff (of a hotel or a third party) will be required to identify accessible features in guest rooms (e.g. guest room door widths and availability of roll-in showers) and other hotel amenities in sufficient detail so that an individual with a disability can make an independent assessment whether the hotel meets his or her accessibility needs.

March 15, 2012, is also the compliance date for using the 2010 Standards for new construction, alterations, program accessibility, and barrier removal.

Although under certain circumstances, the revised regulations permit the use of the 2010 Standards before the compliance date of March 15, 2012, entities are not required to comply with the 2010 Standards until March 15, 2012.

Title II and Title III: New Construction and Alterations

From September 15, 2010, to March 15, 2012, if a title II or title III entity undertakes new construction or alterations, it may choose either the 1991 Standards or the 2010 Standards. Title II entities may also choose to use the Uniform Federal Accessibility Standards (UFAS). It must use that Standard for all elements in the entire facility. For example, an entity cannot use the 1991 Standards for accessible routes and the 2010 Standards for accessible seating.

On or after March 15, 2012, all newly constructed or altered facilities must comply with all of the requirements in the 2010 Standards.

If elements in existing facilities already comply with corresponding elements in the 1991 Standards and are not being altered, then entities are not required to make changes to those elements to bring them into compliance with the 2010 Standards.

New Construction and Alterations	
Dates	Applicable Standards
September 15, 2010, to March 15, 2012	<p>title II: 1991 Standards, UFAS, or 2010 Standards</p> <p>title III: 1991 Standards or 2010 Standards</p>
On or after March 15, 2012	2010 Standards

Title II: Program Accessibility

From September 15, 2010, to March 15, 2012, State and local governments (public entities) have the option of choosing to follow the 1991 Standards, the UFAS, or the 2010 Standards when making architectural changes to provide program access. The elevator exception in the 1991 Standards may not be used.

NOTE: Public entities must comply with either the 1991 Standards, UFAS, or the 2010 Standards for all elements within a single building. For example, a county has never taken any measures to make its community center's programs accessible to individuals with disabilities. In April 2011 the county begins to make architectural changes to meet its program accessibility obligation at the community center. The county may choose the 1991 Standards, UFAS or the 2010 Standards but must use the chosen standard for all architectural changes it makes to the building. For example, it cannot use the 1991 Standards for the building's entrance and the 2010 Standards for its restrooms.

On or after March 15, 2012, public entities must comply with the 2010 Standards in making architectural changes to achieve program accessibility and for all new construction and alterations.

On or after March 15, 2012, public entities must consider the supplemental requirements (such as swimming pools, play areas, and fishing piers) in the 2010 Standards to assess compliance with program accessibility.

If elements in existing facilities already comply with corresponding elements in the 1991 Standards or the UFAS and are not being altered, then title II entities are not required to make changes to those elements to bring them into compliance with the 2010 Standards.

Program Accessibility	
Dates	Applicable Standards
September 15, 2010, to March 15, 2012	1991 Standards, UFAS, or 2010 Standards
On or after March 15, 2012	2010 Standards

Title III: Readily Achievable Barrier Removal

From September 15, 2010, to March 15, 2012, if the elements in a business serving the public (public accommodation) do not comply with the requirements for those elements in the 1991 Standards, the elements must be modified, to the extent readily achievable, using either the 1991 Standards or the 2010 Standards. The public accommodation must use only one standard for removing barriers in the entire facility. For example, it cannot choose the 1991 Standards for accessible routes and the 2010 Standards for restrooms.

On or after March 15, 2012, elements in a facility that do not comply with the 1991 Standards' requirements for those elements (for example where an existing restaurant has never undertaken readily achievable barrier removal) must be modified using the 2010 Standards to the extent readily achievable.

March 15, 2012, is the compliance date for the 2010 Standards which include revisions to the 1991 Standards as well as supplemental requirements for which there are no technical or scoping requirements in the 1991 Standards (such as swimming pools, play areas, marinas, or golf facilities). Public accommodations must comply with the 2010 Standards' supplemental requirements in existing facilities to the extent readily achievable.

Readily Achievable Barrier Removal	
Dates	Applicable Standards
September 15, 2010, to March 15, 2012	1991 Standards or 2010 Standards
On or after March 15, 2012	2010 Standards

**For more information about the ADA,
please visit our website or call our toll-free number.**

ADA Website: www.ADA.gov

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)
to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication
is available in alternate formats.

Duplication of this document is encouraged. February 2011

Commission on Disability Concerns
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354



Phone: (785) 296-1722
Toll Free: (800) 295-5232
Fax: (785) 296-6809 TTY:
711
KCDCinfo.com

Martha Gabehart, Executive Director

Sam Brownback, Governor

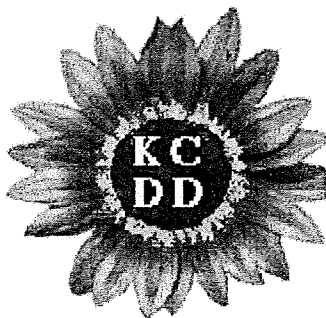
Martha Gabehart, Executive Director
Kansas Commission on Disability Concerns (KCDC)
Senate Federal and State Affairs Committee
In Support of SB 223
March 15, 2011

Thank you Mr. Chairperson and committee members for the opportunity to testify in support of SB 223 that updates K.S.A. 58-1301 to the 2010 Americans with Disabilities Act (ADA) accessibility standards. I am Martha Gabehart, Executive Director of the Kansas Commission on Disability Concerns (KCDC).

KCDC is a catalyst for change in government for people with disabilities. We work with the governor, legislature and agencies on issues that affect people with disabilities. Our issue today is employment for people with disabilities. KCDC believes people with disabilities should work and play an active role in society. When people with disabilities work and are self-sufficient, they receive fewer government services and pay taxes, which also increase state revenues.

SB 223 requires public buildings to be built using the accessibility standards established in the Americans with Disabilities Act (ADA). Those standards were updated in 2010 and it makes sense to make Kansas accessible building standards align with the federal standards. This reduces confusion by architects and builders when designing buildings.

KCDC encourages you to pass this bill favorably out of committee. Thank you for this opportunity.



Kansas Council on Developmental Disabilities

SAM BROWNBACK, Governor
KRISTIN FAIRBANK, Chairperson
JANE RHYS, Ph. D., Executive Director
jrhys@kcdd.org

Docking State Off. Bldg., Rm 141,
915 SW Harrison Topeka, KS 66612
785/296-2608, FAX 785/296-2861
<http://kcdd.org>

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

SENATE COMMITTEE ON FEDERAL AND STATE

March 15, 2011

Mister Chairman, Members of the Committee, thank you for the opportunity of providing written testimony regarding Senate Bill 223, regarding accessibility standards for public facilities. We support Senate Bill 223 which will bring us into compliance with recent federal law changes.

The Kansas Council on Developmental Disabilities is a federally mandated and funded entity under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. We receive no state funds. Our role is to study the Kansas system on Developmental Disabilities and make recommendations for improvements.

Again, we thank you for permitting us to testify and would be happy to answer any questions. I can be contacted at the addresses below.

Jane Rhys, Ph.D., Executive Director
Kansas Council on Developmental Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570
785 296-2608
jrhys@kcdd.org

STATE OF KANSAS

BOB BETHELL
STATE REPRESENTATIVE, 113TH DISTRICT
104 E. THIRD, P.O. BOX 186
ALDEN, KS 67512
(620) 534-3085
CELL (620) 727-5962
bethell@ink.org



COMMITTEE ASSIGNMENTS
CHAIR: AGING AND LONG TERM CARE
MEMBER: COMMERCE AND LABOR
CORRECTIONS AND JUVENILE
JUSTICE
ELECTIONS
STATE CAPITOL—ROOM 55-S
TOPEKA, KS 66612
(785) 296-7616

TOPEKA

Testimony on SB 220
3/15/11

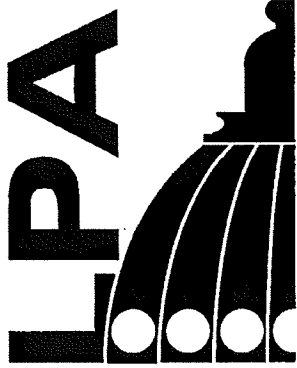
Senator Brungardt and members of the Senate Federal and State Affairs Committee, I am Bob Bethell, Representative of District 113 in the Kansas House. I am appearing in front of this committee today in support of SB 220.

The State Fire Marshall office has operated for its existence as a separate, stand-alone agency within the State Government of Kansas. It has not been a secret that I and many others in the Legislature have thought that there was a need for oversight on this office. It has appeared in the past that the limitation of the oversight has been for the Governor to appoint the Fire Marshall. In past years the qualifications of the person appointed has been suspect, while nice, personable individuals sometimes the leadership was not evident.

There are many anecdotal incidents that lend to the concern about leadership. Some of those deal with the placement of sprinklers in various facilities across the State.

During the 2010 Session I introduced and shepherded a bill to move the Fire Marshall to the Insurance Commissioner's office. That bill was not sent out of committee due to the contents being placed, as an amendment, in another bill on the floor of the House. It subsequently did not pass the Senate. HB 2370 is more drastic than that bill and in reality dismantles the agency by splitting it and placing it into three other agencies.

Mr. Chairman I would stand for questions.



PERFORMANCE AUDIT REPORT

Kansas Fire Marshal: Reviewing the Funding and Administration of the Agency

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
June 2004**


Question 1: Is There Sufficient Oversight of the Operations of the Fire Marshal's Office?

As an independent agency that doesn't report to an oversight board or commission, the Fire Marshal's Office receives less direct oversight than most of the agencies we looked at. Only 5 state fire safety offices are structured as independently as the Fire Marshal's Office; most are part of a larger agency. Most of the smaller executive branch agencies in Kansas report to an oversight board or commission. Legislation was introduced during the 2003 session that would have placed the Fire Marshal's Office under an oversight board, but that legislation didn't pass. While officials from the Fire Marshal's Office expressed concerns that a board or commission would add costs and slow down decisions, these issues don't appear to be unique and confront most agencies in Kansas. These and other findings are discussed in the sections below.

The Fire Marshal's Office Has Less Oversight Than Most of The Agencies We Looked At

The Fire Marshal's Office is a relatively small, largely autonomous agency with 51 employees. It has 3 advisory boards that can provide input, but that have no decision-making authority. The Fire Marshal is appointed by, and reports directly to, the Governor.

Only 5 state fire safety offices are structured as independently as the Fire Marshal's Office. The organizational structures for the 50 states plus Washington, D.C. are summarized in *Table I-1* below. As the table shows, the vast majority of fire safety offices are located within a larger agency—typically a consolidated public safety department. Only 8 offices have been structured as independent agencies, and 3 of those report to an oversight board or commission.



Organizational Structure	General Type of Agency	Fire Marshal reports to . . .	# of Fire Safety Offices With This Structure
Located Within Another Agency	Public Safety or Other Agency	Agency Head	43
Established as Independent Agency	Non-Cabinet Agency	Oversight Board or Commission	3
		Governor	3
	Cabinet Agency	Governor	2
Total			51
Source: "A Profile of a State Fire Marshal's Office" by the National Association of Fire Marshals.			

Only 7 of 51 smaller executive branch agencies we reviewed in Kansas don't report to an oversight board or commission. The information about these agencies' structures is summarized in *Table I-2* below. As the table shows, of the 7 agencies that don't report to a board or commission, 3 are related to the banking and securities industry (the Department of Credit Unions, and the Offices of the Securities Commissioner and State Bank Commissioner) and 3 are public service agencies (the Adjutant General, Fire Marshal's Office, and Highway Patrol). We interviewed staff from the Legislative Research Department and the Revisor's Office to determine if they knew why these agencies had been set up without boards or commissions. They didn't recall any particular rationale for this set up.

Table I-2 Oversight Structures for Selected Kansas Executive Branch Agencies (a)	
Oversight Structure	# of Kansas Agencies With This Structure
Agency Head reports to oversight board or commission	44
Agency Head does <u>NOT</u> report to oversight board or commission	7(b)
(a) Excludes elected officials, State hospitals, correctional facilities, higher educational institutions, and cabinet agencies. (b) Includes 3 public safety agencies—the Adjutant General, Highway Patrol, and Fire Marshal's Office; 3 banking-related agencies—the Department of Credit Unions and Offices of the Securities Commissioner and State Bank Commissioner; and the State Library. Source: FY 2005 Governor's Budget Report	

Senate Bill 252, which was introduced but didn't pass in 2003, would have created a board to oversee the operations of the Fire Marshal's Office. The bill would have placed the Office under the control of a Board of Fire Services, whose responsibilities would have included hiring the Fire Marshal, approving the agency's budget, and adopting new rules and regulations. Its members would have been appointed by the Governor to represent a variety of groups involved with fire safety, including volunteer fire fighters, fire chiefs, and architects.

Officials from the Fire Marshal's Office raised several concerns about being placed under the type of board envisioned by Senate Bill 252. They indicated such a board might be subject to in-fighting, would slow down the agency's ability to make decisions, and would cost the agency money it doesn't have to fund the board's operations. While these concerns may be understandable, other agencies with boards or commissions are confronted with these same issues as well.

There also have been numerous attempts over the years to consolidate the Fire Marshal's Office with other public safety agencies. As far back as 1971, a commission on executive reorganization recommended placing the Adjutant General, Fire Marshal's Office, Highway Patrol, and law enforcement training and safety education programs into a consolidated public safety agency to improve efficiency and accountability. None of these attempts have succeeded.

Conclusion	We're not certain why the Fire Marshal's Office was established without an oversight board or commission, but we found no compelling reason why it shouldn't be subject to the same level of oversight as most other agencies. Although the Fire Marshal's concerns about slower decisions and additional costs are understandable, they don't in our opinion overshadow the benefits to be gained from increased oversight and accountability. These include helping to ensure that government programs and agencies are responsive to the public, operate as intended, are administered in a cost-effective way, and are free of waste, fraud, abuse, and misconduct. An oversight board or commission also can help ensure that more diverse viewpoints are included in agency decisions, and can provide for more continuity in leadership.
-------------------	---

Recommendation	The House Appropriations Committee or Senate Ways and Means Committee should introduce legislation to amend State law to provide the same level of oversight and accountability for the operations of the Fire Marshal's Office as most other agencies have. At a minimum, consideration should be given to placing the Fire Marshal's Office under an oversight board or commission. Other options could include placing the Office under an existing State agency (a number of states have placed their fire safety functions within their insurance or state police departments), or even consolidating the public safety agencies into a single agency (a common organizational structure for other states' public safety functions).
-----------------------	---

State Fire Marshal
700 SW Jackson, Suite 600
Topeka, KS 66603-3714



phone: 785-296-3401
fax: 785-296-8155
www.ksfm.ks.gov

Doug Jorgensen, State Fire Marshal

Office of the State Fire Marshal

Sam Brownback, Governor

**Testimony Regarding SB 220
Before the Senate Committee on Federal and State Affairs
Doug Jorgensen, Acting State Fire Marshal
March 15, 2011**

I appear before the committee today on behalf of the State Fire Marshal's Office, its employees, and the citizens of the State Of Kansas, providing neutral/logistical testimony with regard to SB220.

I would first like to make the committee aware of a major decision by the Fire Marshal's office that occurred last Thursday 3-10-11. I would also like to offer that this decision was implemented to not try to persuade anyone's view of this bill, but to right an error by the Fire Marshal's Office to the citizens of the State of Kansas. After numerous concerns were expressed the last two months by the public, school districts, and the Legislature, of the Fire Marshal's inspection process, a review of that process was initiated. In the review it was discovered that the Fire Marshal's office was currently conducting inspections of buildings in violation of KSA 31-133(c).

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto

The Fire Marshal's Office believes, and has legal opinion, that this only allows existing buildings to be inspected under the rules and regulations that were in place in the State the year the building was built. The Fire Marshal's Office has begun the process of reviewing all inspections completed in the last 18 months and will be resending/canceling citations that were issued in error.

The present language within SB220 provides for the transfer of most of the functions and programs currently being provided by the State Fire Marshal's Office to the citizens of Kansas. During the review of this bill by the Fire Marshal's office, some technical, logistical, and funding issues have come to light. Please note the attached list of these issues which includes where they are found in the bill and their effect.

In order to ensure that the receiving agencies have the needed support to fulfill the additional reporting and inspection duties being moved I would like to propose the following recommendations:

- In regard to the support positions in the Investigation Division, and their inspection and licensing responsibilities which do not transfer to the KBI, Transfer the currently filled Senior Administrative Specialist position to the Department of Administration where those responsibilities are moving.

- Fill the two vacant Fire Prevention Inspector positions, and the vacant Fire Protection Specialist position. These additional positions will be needed to address the added explosive/fireworks inspections that are currently a responsibility of Investigations, but also moving to Department of Administration.
- In order to protect the current employees of the Fire Marshal's Office, if another agency decides not to assume their position, include lay-off language so that the employee can encompass the entire receiving agency when exercising their Civil Service lay-off rights. (proposed amendment attached)
- The percentages of funding in the bill do not adequately fund the positions and responsibilities that are given to some of the agencies.

31-133: Fire marshal; power and duties; rules and regulations. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. Such rules and regulations shall include, but not be limited to the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles, and of explosives, including gunpowder, dynamite, fireworks and firecrackers; and any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate from time to time for any purpose, including apartment houses, as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose, including apartment houses as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least one fire drill each month at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such fire drill is to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by health care providers of treatment of second and third degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427, and amendments thereto, to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures, which procedures shall provide for at least three tornado drills to be conducted each year at some time during school hours, aside from the regular dismissal at the close of the day's session, shall describe the manner in which such tornado drills are to be conducted, and shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the disaster agency of the county;

(10) the development and implementation of a statewide system of hazardous materials assessment and response;

(11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic materials; and

(2) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto.

History: L. 1972, ch. 157, § 2; L. 1974, ch. 172, § 1; L. 1975, ch. 219, § 1; L. 1975, ch. 220, § 1; L. 1976, ch. 200, § 1; L. 1982, ch. 168, § 1; L. 1985, ch. 128, § 1; L. 1988, ch. 127, § 1; L. 1999, ch. 65, § 1; L. 2004, ch. 1, § 7; Mar. 4.

Statute 31-140: Same; appeals from orders; notice and hearing; decisions; compliance. Any person aggrieved by any order or ruling issued pursuant to the provisions of this act may appeal such order or ruling to the state fire marshal within 15 days from the date of the service of such order by filing a notice of such appeal in the office of the state fire marshal. The state fire marshal or a presiding officer from the office of administrative hearings shall hear such person within 30 days after the receipt of such notice of appeal, and the hearing shall be held in accordance with the provisions of the Kansas administrative procedure act. The state fire marshal shall file a decision thereon and, unless by authority of the state fire marshal the order is revoked or modified, the order shall be complied with within the time fixed in such decision.

History: L. 1972, ch. 157, § 9; L. 1988, ch. 356, § 69; L. 2004, ch. 145, § 11; July 1, 2009.

Page	Line	Section	Description	Comments
1	32	2(b)	Department of Administration shall administer the Fire Prevention Fee Fund established by KSA 75-1514.	KSA 75-1514 established the Fire Marshal Fee Fund, not the Fire Prevention Fee Fund, as listed this could prohibit transfers. This fund is established through this bill but we want to make sure the language listed here would allow for the abolishment of the Fire Marshal Fee Fund as intended.
2	1	2(b)	To the department of health and environment for the y-fire program as certified by the secretary of administration for fiscal year 2012.	This is the first place that this is noted; however there is no actual transfer of the program or funds.
2	4	2(c)	The following funds shall be administered by the Department of Administration....	Gifts, Grants, and Donation Fund as established by KSA 75-1513 is not included, currently this fund has funds donation for the investigation division.
2	4	2(c)	The following funds shall be administered by the Department of Administration....	Above Ground Storage Tank Fund as established by KSA 65-34-128 is not included, currently there are no funds in this fund. The fund is for all fees for aboveground storage tanks. This program is transferred to DofA on page 68, line 2.
4	20	5(b)	KDHE/Y-Fire noted again.	See Page 1, Line 37
6	20	8(b)	For fiscal year 2012 to the hazardous materials emergency fund.	Transferring 22% of balance in the fire prevention fund (fire marshal fee fund) into the hazardous materials emergency fund and not the program fund will not allow a funding source for program operating expenses such as trainings, supplies, equipment, and staff.
6	18	8(b)	KDHE/Y-Fire noted again.	See Page 1, Line 37
10	31	12(e)(3)	Procedures for reporting by health care providers of treatment of 2 nd and 3 rd degree burn wounds involving 20% or more of the victims body.	The bill has this function going to the KBI. The splitting of reporting duties would be problematic due to the confusion that may be caused for the reporting entities.
18	1	18(6)	Procedures for reporting of fires and explosions.	On page 10 line 1 this is all moved to the KBI. Because of overlapping responsibilities all of section 6 & 7 should remain with prevention duties as well in DofA, except the reference to investigations.
83	11	94(b)(1)	KDHE/Y-Fire noted again.	See Page 1, Line 37
83	18	94(b)(2)	KDHE/Y-Fire noted again.	See Page 1, Line 37
83	19	94(b)(2)	For fiscal year 2012 to the hazardous materials emergency fund.	Transferring the funds into the emergency fund and not the program fund will not allow a funding source for program operating expenses such as trainings, supplies, equipment, and staff.

Section 3, Page 3, Line 12

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 2, and amendments thereto, or the powers, duties and functions of which are transferred to the division of facilities management of the department of administration, *shall be transferred to, and become officers and employees of the division of facilities management of the department of administration. Once transferred, if and who, in the opinion of the secretary of administration, layoffs are needed, all transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder and shall include all employees of the new agency.* ~~are necessary to perform the powers, duties and functions of the division of facilities management of the department of administration, shall be transferred to, and shall become officers and employees of the division of facilities management of the department of administration.~~

(2) Officers and employees of the state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer, including any benefits and rights accrued or vested as a result of participating in the Kansas public employees retirement system or the Kansas police and firemen's retirement system and such participation shall continue as provided by law. The service of each such officer and employee so transferred shall be deemed to have been continuous. ~~All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the state fire marshal.~~

Section 6, Page 5, Line 9.

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 5, and amendments thereto, or the powers, duties and functions of which are transferred to the Kansas bureau of investigation, *shall be transferred to, and become officers and employees of the Kansas bureau of investigation. Once transferred, if and who, in the opinion of the attorney general, layoffs are needed, all transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder and shall include all employees of the new agency.* ~~are necessary to perform the powers, duties and functions of the Kansas bureau of investigation, shall be transferred to, and shall become officers and employees of the Kansas bureau of investigation.~~

(2) Officers and employees of the state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer, including any benefits and rights accrued or vested as a result of participating in the Kansas public employees retirement system or the Kansas police and firemen's retirement system and such participation shall continue as provided by law. The service of each such officer and employee so transferred shall be deemed to have been continuous. ~~All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the state fire marshal.~~

Section 9, Page 7, Line 15.

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 8, and amendments thereto, or the powers, duties and functions of which are transferred to the division of emergency management of the office of the adjutant general, *shall become officers and employees of the adjutant general. Once transferred, if and who, in the opinion of the adjutant general, layoffs are needed, all transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder and shall include all employees of the new agency.* ~~are necessary to perform the powers, duties and functions of the division of emergency management of the office of the adjutant general, shall be transferred to, and shall become officers and employees of the division of emergency management of the office of the adjutant general.~~

(2) Officers and employees of the state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer, including any benefits and rights accrued or vested as a result of participating in the Kansas public employees retirement system or the Kansas police and firemen's retirement system and such participation shall continue as provided by law. The service of each such officer and employee so transferred shall be deemed to have been continuous. ~~All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the state fire marshal.~~



Senate Federal & State Affairs Committee

SB 220 – Abolishing the State Fire Marshal's Office and Transferring Duties

March 15, 2011

Good afternoon Chairman Brungardt and members of the Senate Federal & State Affairs Committee. I am Leslie Kaufman, the President/CEO of the Kansas Cooperative Council and I appear before you regarding SB 220 on behalf of the Kansas Agribusiness Retailers Association (KARA), the Kansas Cooperative Council (KCC) and the Petroleum and Convenience Store Association of Kansas (PMCA of Kansas).

KARA's membership includes over 700 agribusiness firms that are primarily retail facilities which supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. KARA's membership base also includes ag-chemical and equipment manufacturing firms, distribution firms and various other businesses associated with the retail crop production industry. The KCC is a voluntary, statewide trade association representing all forms of cooperative businesses across the state -- agricultural, utility, credit, financial, refining and consumer cooperatives. Many of our supply cooperatives also have refined fuel and/or propane operations. The Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), is a statewide trade association representing over 300 independent Kansas petroleum distribution companies and convenience store owners throughout Kansas.

SB 220 establishes a process to parcel out the duties of the state fire marshal to various agencies. It is our understanding that this bill was drafted with the thought that by moving these duties to other agencies, the state we could save money and be more efficient in carrying out these duties. All of our associations have members that sell or distribute liquid propane to

ansas consumers which is currently regulated by the State Fire Marshal's office. Thus, our members will be impacted should the bill be approved.

Under SB 220, the inspection and licensing of propane would be transferred to the Department of Administration, division of facilities management. As noted above, we believe the purpose of the bill is to increase efficiency and reduce costs. While we applaud this purpose and are supportive of the general views of the bill, we think there might be another way to better accomplish these goals when dealing with propane. We appear before you and suggest that it would be more efficient and effective to move the propane section of the fire marshal's office to the Kansas Department of Agriculture (KDA).

The reason for our proposal is that currently KDA inspectors come to our members' facilities or stores and perform some type of inspection (scales, feed, food, gasoline dispensers, etc.) therefore, KDA is already at our locations and could with some training perform the liquid propane inspection. If you transfer these duties from the fire marshal to department of administration then you are actually adding another agency that will need to travel to our many locations which does not seem to create the efficiency sought. Under our proposal, the inspections would be done by inspectors that are familiar with the facilities and are already traveling to these locations thus reducing windshield time and gas costs while still ensuring the citizens of Kansas are safe and protected.

If you agree with our proposal, we would also request that the appropriate funding and personnel needed to carry-forth these responsibilities also be transferred to The Kansas Department of Agriculture.

Thank you for your consideration.

Testimony of
Jack Taylor, President, Kansas Professional Fire Chiefs Association
Presented to the Senate Federal and State Affairs Committee

SB 220

March 15, 2011

Good morning, Mr. Chairman and members of the Committee:

Thank you for the opportunity to speak with you today. My name is Jack Taylor. I am Chief of the Emporia Fire Department and President of the Kansas Professional Fire Chiefs Association. On behalf of the Kansas Professional Fire Chiefs, I offer this testimony in **opposition** to SB 220 relating to the abolishment of the Office of the State Fire Marshal and transferring the duties to the Division of Facilities Management, the Kansas Bureau of Investigation, and the Division of Emergency Management.

It is time for frank talk, and some of my remarks may be uncomfortable for some to hear. I extend my apologies for any discomfort before I begin. My intent is not to hurt feelings or take pot shots at individuals. My intent is to state the facts and offer assistance.

The Office of the Kansas State Fire Marshal provides a central clearinghouse for a wide variety of services that might be needed by any of the 600-plus fire departments in the State of Kansas. These 600 fire departments provide a multi-faceted array of services to serve and protect the citizens and visitors to our great state, including fire and injury prevention, fire suppression, emergency medical response, technical rescue, hazardous materials response, and fire investigations. Based on the individual resources and abilities of each department, some rely on the services offered through the State Fire Marshal more than others. However, I can't think of any of us who haven't called upon the State Fire Marshal for assistance at some point. Whether the need is for fire prevention, fire investigation, or hazardous materials response, the State Fire Marshal has been the hub for information or hands-on assistance.

Parceling the Fire Marshal's office into several segments and placing them into various unrelated agencies will make it more difficult for communications and interaction from a local level to state level. Small departments that don't have the need to communicate with the office very often will find it difficult to find the resources they need when the responsibilities are scattered among the departments that are proposed. Today, we call one number. Tomorrow, who knows?

There is an old saying that "if it's not broke, don't fix it." Well, the system is broke. As I continue with this part of my remarks, I need to say that I personally like most of the individuals that have served in the capacity of State Fire Marshal and I respect them for the efforts they have given. However, I don't think you will get an argument from anyone that there have been some issues that have arisen with the State Fire Marshal's Office from time to time. The fire service itself has had its share of frustration with the office over the years. But there is a cure for the illness.

K.S.A. 75-1510 states; "Any person appointed as state fire marshal shall have a knowledge of building construction and, at the time of appointment, shall have had not less than five years' experience in fire safety inspection and investigation." These pre-requisites don't reflect the responsibilities and nature of the job. While individuals who have previously been appointed to that office are good people and might have knowledge in a specific area, we have long needed a well-rounded individual with training and experience in the diverse services offered by the Kansas fire service.

For several administrations, the Kansas fire service has offered to assist with placing a true professional in that office with the aforementioned training and experience along with the vision and proven ability to lead and manage human resources, budgets, projects, etc. We have offered to assist with establishing realistic pre-requisite training and experience criteria to replace K.S.A 75-1510 and assist in insuring the placement of an individual with the skills to lead and manage such an important department. We also suggested a board of directors similar to the Kansas Board of EMS to oversee the administrator and set policy for the State Fire Marshal's Office. Last year the two fire chief organizations supported a bill to place the State Fire Marshal in the Insurance Commissioner's office for oversight. As we know, that bill failed to pass.

In spite of our efforts to provide assistance, the fire service has been rebuffed time and again in order for previous administrations to appoint individuals with at least the perception that the appointments are made as a political favor. It is common belief in the Kansas fire service that eligibility for the position of State Fire Marshal is dependent first upon political party affiliation followed by the amount contributed to the political campaign of the incoming administration either by the individual or the special interest supporting them.

I wanted to take a moment to give you some history regarding the Kansas Regional Hazardous Materials Response Program. In the mid-1990's, during the administration of Governor Graves, the Kansas Highway Patrol submitted a proposal to hire a number of new troopers (the round number of 20 comes to mind) to initiate a regional haz-mat response program. Equipment would be purchased and housed in centralized areas and, in the event of a haz-mat emergency, troopers would leave their patrol assignment, respond to the centralized location, get the equipment, and then respond to the emergency.

The fire chiefs in the state saw the gross inefficiency, duplication of services and the unnecessary financial commitment in this proposal and met to develop a proposal of our own to present to the Governor's office. Our proposal was to use existing haz-mat response teams operated by local fire departments. The basic equipment and personnel were already in place and could immediately respond to incidents. Our plan placed the administration of the program under the State Fire Marshal. Only three people were hired for the program for support and coordination. The remainder of the resources were contracted by the state from the local fire departments who were already providing the service locally. This was a much more efficient and financially feasible proposal and was accepted and implemented by Governor Graves.

My point to this is that it is the local fire departments that make the haz-mat program work. However, to my knowledge, none of the local fire departments who provide the regional teams nor any other of the stakeholders have been consulted about this change.

Have you asked whether the program, if moved to a different agency, would continue to contract with the state? This bill has been presented in such quick fashion that the haz-mat response teams have not even had time to meet and determine what our response to the bill is.

With regard to impact on the state budget, the Fire Marshal's office is a fee-funded agency, thus is not using state general fund dollars to operate. I have not seen a fiscal note on this bill but if the goal is to save money, I fail to comprehend any large savings with parceling out the responsibilities of the office. I do anticipate a loss of efficiency and service to the citizens of Kansas and a great deal of frustration for the men and women who serve the 600-plus fire departments that make up the Kansas fire service.

My final point is that there are significant inaccuracies with the bill that need to be cleaned up. For example, beginning on page 69, there is reference to the State Emergency Response Commission. That Commission was replaced by the Commission on Emergency Planning and Response by Governor Graves and then reorganized by Executive Order by Governor Sebelius. I offer you a copy of our annual report for 2010.

I appeal to you to oppose SB 220 and not bring it out of committee. There appears to be many issues to resolve before it passes.

I am often told, and I often tell others, "Don't come with issues unless you have realistic solutions." With that, I humbly request that rather than passing this bill you give the Kansas fire service and other affected stakeholders the opportunity to assist you with correcting any perceived or real issues and/or shortcomings in the State Fire Marshal's Office. My recommendation would be to form a commission, made up of fire chiefs from each of the Homeland Security Regions and any legislators from the House and Senate that you would appoint, to study and confer on the issue and bring back a mutually acceptable bill for the next session. I would further recommend that you exclude any current or former employees of the State Fire Marshal and any candidates currently under consideration for the office. The objective would be to make the improvements necessary to bring the office of the State Fire Marshal to the level of respect that it deserves and to be a model for other states to use. The other objective would be to make the improvements necessary to make you proud of your State Fire Marshal's Office and to get this off your plates for the coming legislative sessions. Speaking for both the Kansas Professional Fire Chiefs and the Kansas State Association of Fire Chiefs, we are at your service and ready to assist in making this a reality.

Thank you for your consideration.

**KANSAS COMMISSION ON EMERGENCY
PLANNING AND RESPONSE**

“Managing the Risk”



2010 Annual Report

Commission on Emergency Planning and Response

2010 Commission Members

Mr. John Prather, Chairman

Transportation, Trucking, Rail

Major General Tod Bunting

Adjutant General's Department

Mr. Roderick Bremby

Kansas Department of Health and Environment

Mr. Dan McLaughlin

Kansas State Fire Marshal

Ms. Carole Jordan

Department of Commerce

Mr. Steve Hewitt

City Managers

Mr. Ken Schremmer

Counties

Mr. Patrick Collins

Homeland Security Councils

Mr. Randall Duncan

County Emergency Managers

Ms. Melissa Dinsmore

Hospitals

Ms. Elizabeth Ticer

Public Health

Ms. Patricia Eakes

Individuals with Disabilities

Mr. Clayton Huseman

Agriculture, Crop, or Livestock

Col. Terry Maple, Vice-Chairman

Kansas Highway Patrol

Mr. Josh Svaty

Kansas Department of Agriculture

Ms. Deb Miller

Kansas Department of Transportation

Dr. William Brown

Kansas Animal Health Department

Mr. Robert Blecha

Kansas Bureau of Investigation

Mr. Jack Taylor

Firefighters

Mr. James Heitschmidt

Law Enforcement

Mr. Warren Porter

Public Works

Mr. Ken Keller

Emergency Services

Mr. Timothy East

Energy

Ms. Karen Schuyler

Business/Industry

Mr. James Ogle

Business/Industry (Broadcasting)

Dr. Lyle Noordhoek

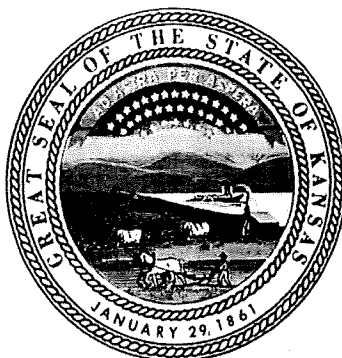
Business/Industry

Vacant

Tribes of Kansas

Managing the Risk

2010 Commission on Emergency Planning and Response Annual Report



Governor Mark Parkinson

Governor of the State of Kansas

Major General Tod M. Bunting

Kansas Adjutant General, Director of Emergency Management and Homeland Security

Mr. John Prather

Transportation, Trucking, and Rail Representative and Commission on Emergency Planning and Response Chairman

FOR MORE INFORMATION contact the
Kansas Division of Emergency Management
2800 SW Topeka Boulevard
Topeka, KS 66611
(785) 274-1418

OR VISIT OUR WEBSITE AT:

<http://kansastag.ks.gov>

Publication produced by:

Jennifer Clark
Technological Hazards Program Manager

Cover photo designed by The Adjutant General's Geospatial Technologies Section

Special thanks to everyone who contributed in some way to this report.

Contents

Commission on Emergency Planning and Response	2
Letter from the Chairman	4
Kansas Vulnerable Needs Planning System	5
The Public Assistance Program	6
Kansas Response Plan	10
"COOP Planning, Kansas Style"	12
Making Progress at Crisis City	14
Kansas Geographic Information and Systems (GIS) Vehicle and Response Team	16
Deepwater Horizon Response: A Personal Story	18
2010 Hazardous Materials Spills	20
EPA's 2009 Toxic Release Inventory Report	22
Third Annual Business and Industry Forum	24
LEPC Spotlight: Butler County	25
Local Emergency Planning Committees	26
Insights into the HMEP Program	28
2010 Human Services in Disaster Summit	30
Citizen Corp Program	31
Wolf Creek Ingestion Pathway Exercise	32
Homeland Security Regions and Response Teams	33

Commission on Emergency Planning and Response



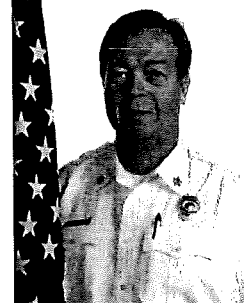
Governor Mark Parkinson



Major General Tod M. Bunting
Kansas Adjutant General



Mr. John Prather
CEPR Chairman
2010-2011



Mr. Jack Taylor
Past CEPR Chairman
2009-2010

On October 17, 1986, in response to a growing concern for safety around chemical facilities, Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act (SARA). The federal law requires the governor of each state to establish a State Emergency Response Commission (SERC) and for the Commission to establish Local Emergency Planning Committees (LEPCs). It is the mission of the LEPCs and SERC to implement EPCRA in the State of Kansas and to mitigate the effects of a release or a spill of hazardous materials.

The Kansas Commission on Emergency Planning and Response (CEPR), established by K.S.A. Chapter 48, Article 9, The Kansas Emergency Management Act, is responsible for implementing federal EPCRA provisions in Kansas and serves as the technical advisor and information clearinghouse for state and federal hazardous materials programs. The primary focus of the CEPR is to enhance state and local emergency response and preparedness capabilities through improved coordination and planning. This is achieved by: (1) advising and assisting local agencies in the mitigation of hazards and emergency preparedness by aiding in the development of all emergency plans, training, and exercises; (2) reviewing the response to emergencies and recommending improvements for mitigation, preparedness, response and recovery for future disasters; and (3) carrying out all requirements of the Federal Emergency Planning and Community Right-to-Know Act of 1986.

The CEPR is comprised of 27 representatives from various state and local government organizations and industry. Membership of the CEPR includes agency heads from the Adjutant General's Department, State Fire Marshal's Office, Department of Transportation, Department of Health and Environment, Highway Patrol, Department of Commerce, Kansas Bureau of Investigation, Department of Agriculture, and the Animal Health Department. In addition to the agency heads, the Governor appoints eighteen members from various state and local agencies: counties, cities, agriculture, transportation, energy, law enforcement, fire fighters, county emergency managers, emergency medical services, business and industry, public works, hospitals, public health, tribes of Kansas, individuals with disabilities, and one representative for the seven regional homeland security councils.

Roles and Responsibilities of the CEPR

The Minimum Duties the CEPR Must Perform Under EPCRA

With respect to LEPCs:

1. Designate local emergency planning districts;
2. Appoint a LEPC for each planning district;
3. Supervise and coordinate the activities of each LEPC;
4. Annually review the local emergency plans; and
5. Coordinate proposals for training grant funds.

With respect to the regulated community:

1. Receive initial emergency planning notifications;
2. Receive Emergency Release Notifications;
3. Receive the annual Tier II Reports for Hazardous Chemical Inventory of MSDS chemicals;
4. Receive the Annual Toxic Chemical Release Inventory report, if designated;
5. Take enforcement action against facility owners/operators who fail to comply with notification and reporting requirements; and
6. Designate additional facilities subject to the Emergency Planning Notification provisions of the law.

With respect to the public:

1. Establish procedures for receiving and processing public requests for information collected by the CEPR under EPCRA;
2. Appoint an information coordinator to supervise distribution of collected information to the public; and
3. Request information from EPA on the health effects of chemicals that EPA has agreed to designate "Trade Secret", and ensure that this information is available to the public.

With respect to the EPA:

1. Notify EPA of all facilities that have submitted an Emergency Planning Notification (Section 302) or have been designated as subject to the emergency planning process by the CEPR or the governor.

CEPR's FOCUS:

- Enhance state and local emergency response and preparedness capabilities through improved coordination and planning.

Responsibilities Under Kansas Statutes (K.S.A. 65-5722)

1. Carry out all requirements of EPCRA
2. Provide guidance on activities related to emergency preparedness, training, planning, and response
3. Facilitate and advise KDEM, TAG, and others in preparation and implementation of:
 - a. Emergency plans prepared by state agencies
 - b. Statewide inter-jurisdictional emergency plans
 - c. Local emergency plans
4. Review reports on disaster responses
5. Provide guidance on coordinating, advising, or planning tasks related to EPCRA reporting, management of hazardous substances, and emergency planning and preparedness for all types of hazards and disasters.
6. Provide recommendations/advice to TAG and KDHE on the adoption of regulations authorized to carry out state hazard preparedness and planning laws and EPCRA.
7. Provide guidance to KDEM and TAG in developing and implementing a plan for regional emergency medical response teams.

Message from the Chairman

By: John Prather, CEPR Chairman

“Shared Preparedness is Hard Work”

I was asked to make some comments as incoming chairman of CEPR for the annual report, “Managing the Risk.” As a lifelong private sector executive in a hazmat service industry (trucking), I am more than willing to comment on CEPR and its activities.

First of all, the commission has a steep learning curve for those appointed to the board. Appointments are made based on experience and working knowledge of the respective industry or agency represented. The positions at the conference table represent a wide array of disciplines serving the state of Kansas. The vision of expansion of the commission to include public and private sector representation has fostered a higher challenge and volunteer dedication to working relationships in times of disaster.

I am looking forward to building relationships in 2011. There will be many new faces on the CEPR and many more opportunities for education.

My goal is to “get the word out” on preparedness to the local communities and the public who are not directly related to emergency management activities. I plan on asking my fellow private sector “Industry” partners for their support because I believe public/private partnerships are the key to successful planning, preparedness, and response.

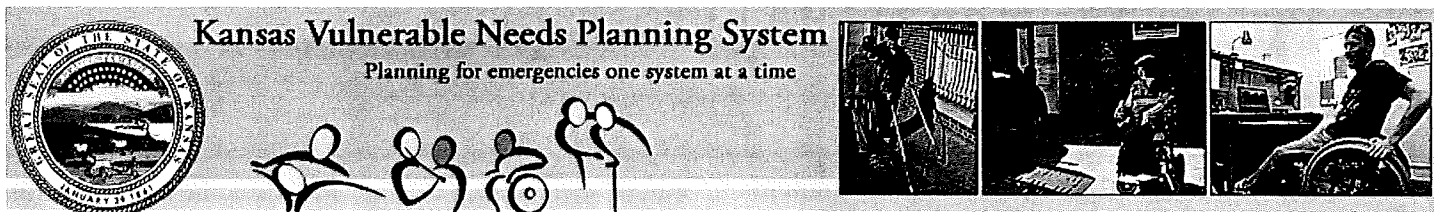
I am honored to serve as chairman of a group dedicated to raising the standards and shared professionalism in response and training for unforeseen events impacting our communities in Kansas. My plan as chairman of CEPR is to continue to engage multiple agencies with the private sector to share knowledge, past lessons learned, and successes for future incident preparedness.



From left to right: John Prather, current CEPR Chairman; Maj. Gen. Tod M. Bunting, Adjutant General; and Jack Taylor, past CEPR Chairman.

Bottom: John Prather, CEPR Chairman, and Jack Taylor, past CEPR Chairman. Right: Col Terry Maple, 2010 Vice-Chairman.





By: Nancy Lamb, KDEM Planner

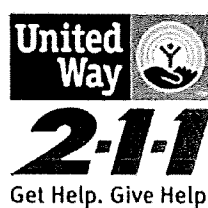
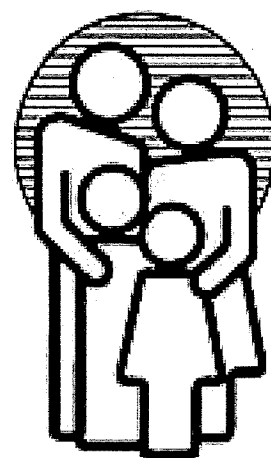
When a man-made or natural disaster strikes, it is the prepared citizen that is most likely to survive. Disaster planning is the first line of defense. However, thousands of men, women, and children rely on someone to assist them during an incident. They are susceptible to injury, infection, and death if aid is hindered. The aged, infirm, home-bound, children in schools and individuals with cognitive, sensory, physical, medical, and behavioral disabilities could all need assistance. Vulnerable populations are individuals with unique needs who may require assistance during emergencies beyond that provided to the general population.

Emergency planners, volunteers, and response agencies are tasked with working to provide reasonable accommodations allowing functional needs populations to be integrated into the general population as a whole during emergency situations.

Unfortunately, identifying and tracking these individuals can be a daunting challenge. Addressing these kinds of issues is the purpose of the Kansas Vulnerable Needs Planning System. The planning tool is not a guarantee of assistance, but it will confidentially collect and protect the information emergency coordinators need in the planning process to best utilize available resources.

Kansas residents with vulnerable needs can now assist emergency management in their planning efforts by registering their information into the Kansas Vulnerable Needs Planning System. Citizens can enroll at www.helpmekansas.org or by contacting the United Way 2-1-1 call center by dialing 2-1-1. Kansas vulnerable needs facilities can enroll using the same method. In addition, the website also provides facilities the opportunity to offer information regarding how they might provide assistance or resources during emergency events. The system is designed as a planning tool for County Emergency Coordinators to enhance the emergency management process for their operation. Personal preparation and individual disaster plans remain the responsibility of each resident and/or facility. However, the success of this program lies in the participation of the citizen and facilities to offer information and take the actions to register.

The volunteer registry portion of the program is an effort administered by Kansas Department of Health and Environment titled the Kansas System for the Early Registration of Volunteers (K-SERV). K-SERV is a state-wide, secure registration system and database for volunteers willing to respond to incidents. The aim is to have a list of pre-identified volunteers who are available for ready deployment in case of a disaster or incident.



The Public Assistance (PA) Program

By: Steve Harsha, PA Officer and Jim Williams, PA Project Administrator

The Federal Emergency Management Agency's Public Assistance Grant Program provides assistance to state, tribal and local governments, and certain types of private nonprofit or emergencies declared by the president. The eligible funding is available on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged as a result of the disaster occurrence. Additionally, funding may also be available on a cost-sharing basis for hazard mitigation measures statewide.

The Public Assistance Program provides supplemental Federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of certain private nonprofit organizations. The federal share of assistance is not less than 75 percent of the eligible cost for emergency measures and permanent restoration. The State determines how the non-federal share, up to 25 percent, is split with the applicants.

The State of Kansas Public Assistance Program conducts its operations with one full-time state employee, while drawing from a diverse, seasoned and mentored cadre of 36 augmented personnel. These men and women are retired military with proud traditions of serving the State of Kansas, and continue their service as Public Assistance Coordinators and Project Specialists. A total of 36 augmented positions were coordinated for project assignments throughout counties affected by the disasters. Averages of 10 to 12 augmented personnel are coordinated to complete the detailed project assignments. Due to depth of disaster operations over a large geographic area during consecutive disasters through 2010, the average number of augmented personnel has increased to 25 per disaster.

The Kansas PA program continues to maintain its ranking among the top in the nation in its ability to sustain mobilization standards during disasters and serve those in need following a disaster declaration. FEMA annually surveys customers assisted by the state PA program to determine cus-

tomers satisfaction. The PA uses information received from annual surveys to determine how to enhance their response in future disasters and develop best practices to improve upon their expertise in future operations. Over the last ten years, the Kansas PA program consistently received 90 percent or better satisfaction rating for customer service while administering PA disaster grants during disaster response and recovery.

Virtually every jurisdiction in Kansas is threatened by some type of natural peril during the year. During the preceding 66 months, February 2005 through August 2010, Kansas has averaged nearly one disaster declaration occurrence every four months, with several disaster exposures involving many of the jurisdictions. The state of Kansas had two Federal Disaster Declarations during 2010, preceded by fifteen Federal Disaster Declarations during the period February 2005 through December 2009.

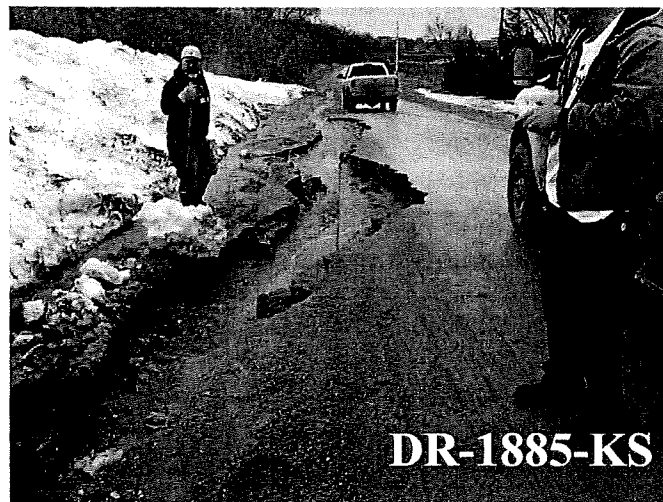
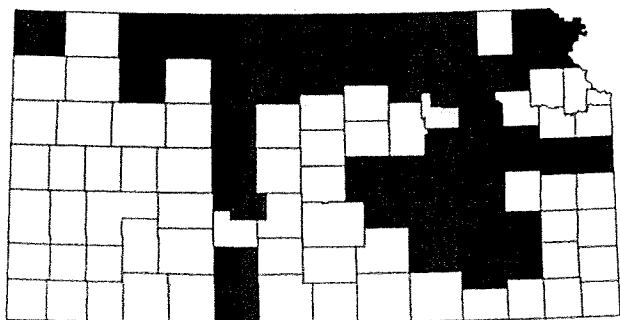
At this point in calendar year 2010, a total of \$14,623,763.90 (Disasters 1885 and 1932 as of September 28, 2010) in federal Public Assistance funds have been obligated for eligible state and local governments and certain private nonprofit organizations for projects involving emergency and permanent work and the repair or replacement of facilities damaged by the effects of the disasters.

This year has been no exception when implementing training opportunities. The Kansas Division of Emergency Management hosted individual training for new PA Cadre by utilizing actual Kansas disaster scenarios and practical field experience to strengthen critical skills for future deployment. Though PA Cadre mobilizes for various lengths of time during disaster operations, training exercises and "hot wash" sessions are routine for implementing and developing courses of action in support of best practices for active and future disasters.

The following pages provide a review of the current disasters involving the Public Assistance Section operations in 2010.

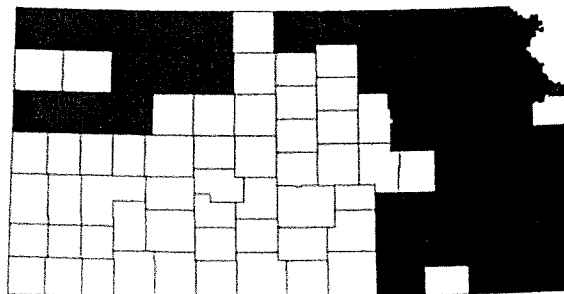
FEMA KS DR 1932

- ◆ **Declaration Date:** August 10, 2010
- ◆ **Incident Type:** Severe Storms, Flooding, and Tornadoes
- ◆ **Incident Period:** June 7, 2010 - July 21, 2010
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Atchison, Brown, Butler, Chase, Cheyenne, Clay, Cloud, Comanche, Decatur, Doniphan, Ellis, Elk, Franklin, Greenwood, Harvey, Jackson, Jewell, Kiowa, Lyon, Marion, Marshall, McPherson, Miami, Mitchell, Morris, Norton, Osage, Osborne, Pawnee, Phillips, Pottawatomie, Republic, Riley, Rooks, Rush, Sheridan, Smith, Wabaunsee, Washington, Wilson, and Woodson
- ◆ **Funds Obligated to Date:** \$56,348.25 (09/28/2010)



FEMA KS DR 1885

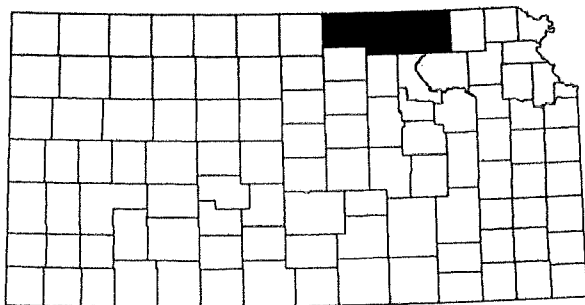
- ◆ **Declaration Date:** March 9, 2010
- ◆ **Incident Type:** Severe Winter Storms and Snowstorm
- ◆ **Incident Period:** December 22, 2009 - January 8, 2010
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Allen, Anderson, Atchison, Bourbon, Brown, Butler, Cherokee, Cheyenne, Clay, Coffey, Cowley, Crawford, Decatur, Doniphan, Douglas, Elk, Franklin, Geary, Gove, Graham, Greenwood, Jackson, Jefferson, Jewell, Labette, Leavenworth, Linn, Logan, Lyon, Marshall, McPherson, Miami, Montgomery, Morris, Nemaha, Neosho, Norton, Osage, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Shawnee, Sheridan, Wabaunsee, Wallace, Washington, Wilson, Woodson, and Wyandotte
- ◆ **Funds Obligated to Date:** \$14,567,415.65 (09/28/2010)



Public Assistance Program's Current Disasters (con't)

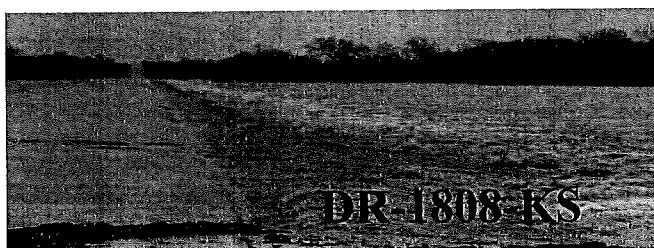
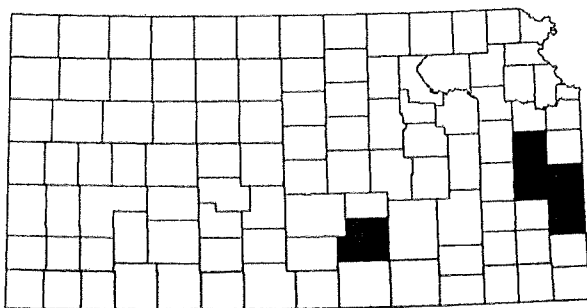
FEMA KS DR 1868

- ◆ **Declaration Date:** December 23, 2009
- ◆ **Incident Type:** Severe Winter Storm
- ◆ **Incident Period:** November 14 -16, 2009
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Marshall, Republic, and Washington
- ◆ **Funds Obligated to Date:** \$32,666,170.83 (09/28/2010)



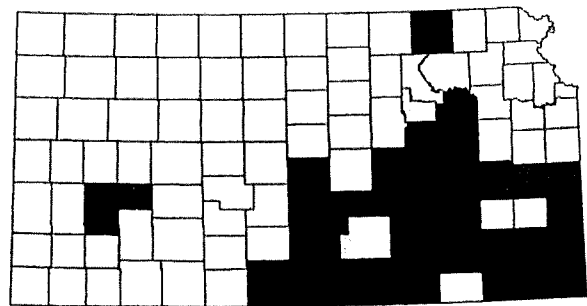
FEMA KS DR 1860

- ◆ **Declaration Date:** September 30, 2009
- ◆ **Incident Type:** Severe Storms and Flooding
- ◆ **Incident Period:** July 8, 2009 - July 14, 2009
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Anderson, Bourbon, Franklin, Linn, and Sedgwick
- ◆ **Funds Obligated to Date:** \$3,788,937.13 (09/28/2010)



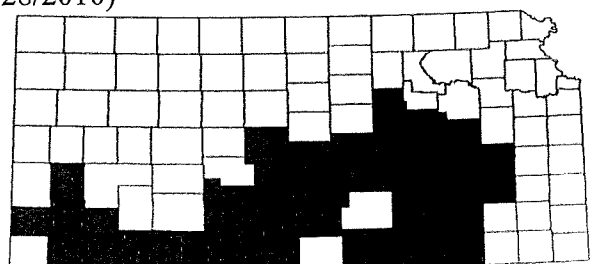
FEMA KS DR 1849

- ◆ **Declaration Date:** June 25, 2009
- ◆ **Incident Type:** Severe Storms, Flooding, Straight-line Winds, and Tornadoes
- ◆ **Incident Period:** April 25, 2009 - May 16, 2009
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Anderson, Barber, Bourbon, Butler, Chase, Cherokee, Coffey, Cowley, Crawford, Elk, Finney, Greenwood, Harper, Harvey, Kingman, Labette, Linn, Lyon, Marion, Marshall, Montgomery, Morris, Neosho, Reno, Rice, Sumner, Wabaunsee, and Wilson
- ◆ **Funds Obligated to Date:** \$11,821,323.60 (09/28/2010)



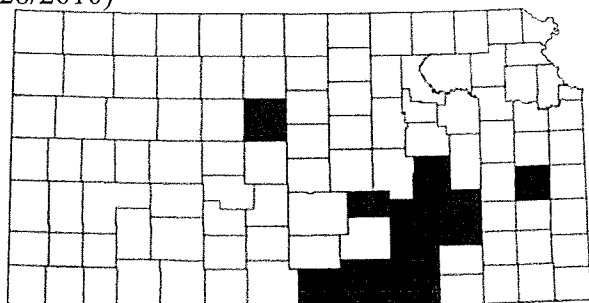
FEMA KS DR 1848

- ◆ **Declaration Date:** June 24, 2009
- ◆ **Incident Type:** Severe winter storm and record and near record snow
- ◆ **Incident Period:** March 26 - 29, 2009
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Butler, Chase, Chautauqua, Coffey, Cowley, Dickinson, Elk, Grant, Greenwood, Harvey, Lyon, Marion, Morris, Sumner, and Woodson; Emergency Assistance for Barber, Barton, Clark, Comanche, Edwards, Grant, Haskell, Kearny, Kingman, Kiowa, McPherson, Meade, Pratt, Reno, Rice, Seward, Stafford, Stanton, and Stevens
- ◆ **Funds Obligated to Date:** \$15,188,708.83 (09/28/2010)



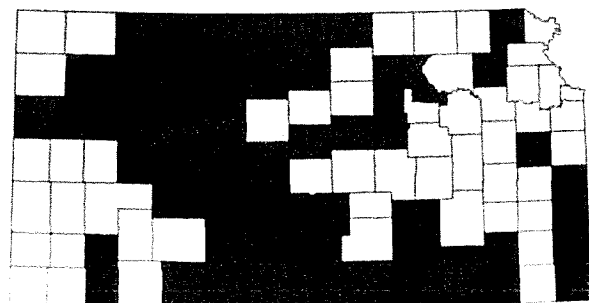
FEMA KS DR 1808

- ◆ **Declaration Date:** October 27, 2008
- ◆ **Incident Type:** Severe Storms, Flooding, and Tornadoes
- ◆ **Incident Period:** September 11 - 17, 2008
- ◆ **Augmented Personnel Assignments:** 25
- ◆ **Designated Counties:** Anderson, Butler, Chase, Cowley, Greenwood, Harper, Harvey, Russell, and Sumner
- ◆ **Funds Obligated to Date:** \$3,636,936.37 (09/28/2010)



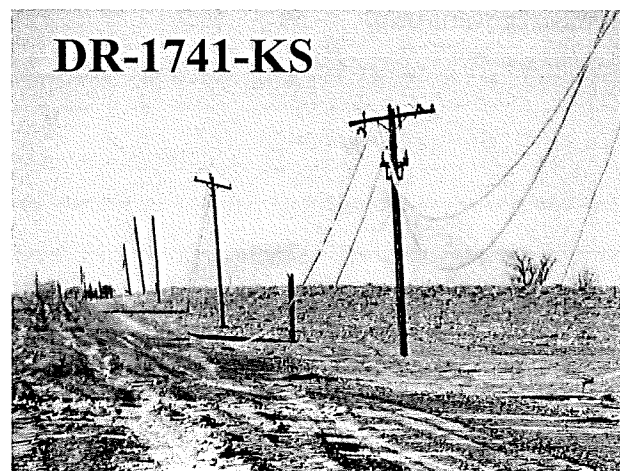
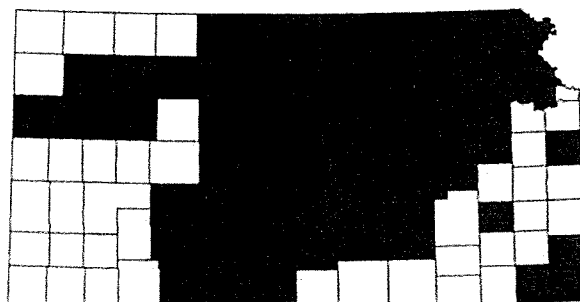
FEMA KS DR 1776

- ◆ **Declaration Date:** July 9, 2008
- ◆ **Incident Type:** Severe Storms and Tornadoes (Chapman and Manhattan), Flooding
- ◆ **Incident Period:** May 22, 2008 - June 16, 2008
- ◆ **Augmented Personnel Assignments:** 22
- ◆ **Designated Counties:** Barber, Barton, Bourbon, Brown, Butler, Chautauqua, Cherokee, Clark, Clay, Comanche, Cowley, Crawford, Decatur, Dickinson, Edwards, Elk, Ellis, Ellsworth, Franklin, Gove, Graham, Harper, Haskell, Hodgeman, Jackson, Jewell, Kingman, Kiowa, Lane, Linn, Logan, Mitchell, Montgomery, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Reno, Republic, Riley, Rooks, Rush, Saline, Seward, Sheridan, Smith, Stafford, Sumner, Thomas, Trego, Wallace and Wilson
- ◆ **Funds Obligated to Date:** \$55,156,503.73 (09/23/2010)



FEMA KS DR 1741

- ◆ **Declaration Date:** February 1, 2008
- ◆ **Incident Type:** Severe winter storms
- ◆ **Incident Period:** December 6-19, 2007
- ◆ **Augmented Personnel Assignments:** 28
- ◆ **Designated Counties:** Atchison, Barber, Barton, Brown, Butler, Chase, Cherokee, Clark, Clay, Cloud, Comanche, Crawford, Dickinson, Doniphan, Edwards, Ellis, Ellsworth, Ford, Geary, Graham, Gove, Harvey, Hodgeman, Jackson, Jefferson, Jewell, Kickapoo Nation, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, McPherson, Miami, Mitchell, Morris, Nemaha, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Sedgwick, Shawnee, Sheridan, Smith, Stafford, Thomas, Wabaunsee, Wallace, Washington, and Woodson
- ◆ **Funds Obligated to Date:** \$274,703,180.14 (09/28/2010)



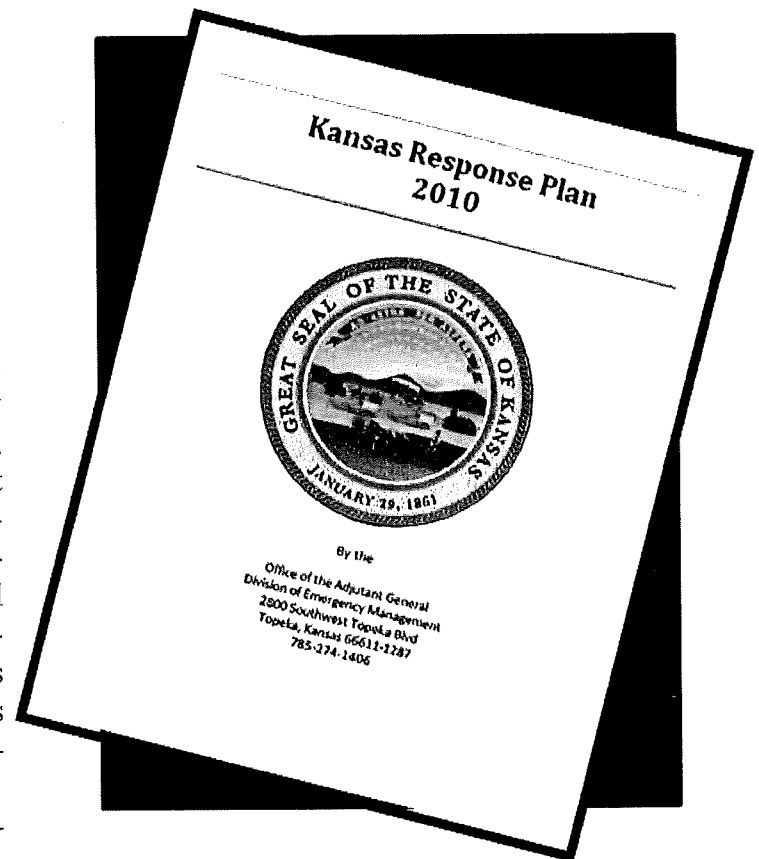
Kansas Response Plan

By: KRP Revision Team

The Kansas Division of Emergency Management (KDEM) and its many partners including State agencies, local government, private sectors, and other key stakeholders revised the Kansas Response Plan (KRP) during 2010. This plan was promulgated on January 5, 2011.

The KRP applies to all state government departments and agencies providing assistance in a disaster or emergency situation. It describes the fundamental policies, strategies, general concept of operations, and incident management actions to be used through all phases of emergency management. The KRP is built in the acknowledgement that emergency plans are constructed at both the county and federal levels. The KRP serves to provide guidance and policy direction on interfacing with county emergency operations plans and the National Response Framework (NRF) and is based on the fundamentals within the National Incident Management System (NIMS).

The KRP further describes the basic strategies, assumptions and mechanisms through which the state mobilizes resources and conducts activities to guide and support local emergency management efforts. To facilitate effective operations, the KRP adopts a functional approach that groups the types of assistance into 15 Emergency Support Functions (ESF). The 15 KRP ESFs mirror those found in County Emergency Operations Plans (CEOPS) and the National Response Framework. As such, the KRP lends itself to seamless coordination with response plans/frameworks at all levels of government.



Incident and support annexes are attached to the KRP and address the activities for specific incidents and/or support actions. The primary agency with incident statutory authority has the responsibility of developing and exercising these plans. The Kansas Division of Emergency Management (KDEM) coordinates with these agencies to include such plans in the KRP.

Revisions to the KRP

- ★ Creates and tasks a plan which provides support through all phases of emergency management
- ★ Increased use of ESF planning teams and coordinated revision meetings
- ★ Protocols for incident management actions:
 - ☆ Emergency Management Assistance Compact requests
 - ☆ Preliminary Damage Assessments
 - ☆ Mission requests
- ★ Increased specificity on ESF actions and responsibilities

2010 KRP Revision

The KRP Revision Team first met in October 2009 to discuss the 2010 revision. The Team consisted of a representative from the state coordinating agency tasked with an ESF. It was decided that each ESF would be responsible for developing, updating, and compiling their respective sections.

Planning teams were formed for each ESF and over the course of a year several meetings were held. The ESF planning teams were made up of representatives from state agencies, local governments, and the private sector who shared a role, responsibility, or interest in the ESF. The planning meetings proved to be a great opportunity to share information, lessons learned, resources, and knowledge on the different organizations.

In addition to drafting their ESF, several planning teams developed Specific and Support Annexes that weren't included in previous versions of the KRP.

Overall, the 2010 revision was successful and well-received. Members of the planning teams appreciated the opportunity to contribute to the plan. It was a long, hard year, but everyone came together and worked diligently to meet the goals set by the KRP Revision Team. The plan that will serve as the basis for protecting the lives and property of the State of Kansas.

Increased use of Specific and Support Annexes

- ✓ Nuclear/Radiological Incident Annex
- ✓ Biological Incident Annex
- ✓ Mass Fatality Support Annex
- ✓ Continuity of Government Support Annex
- ✓ Debris Management

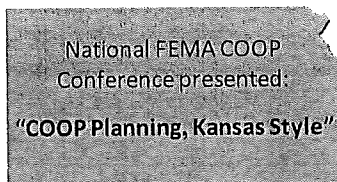
Emergency Support Functions (ESFs) and State Coordinating Agencies

ESF #1	TRANSPORTATION Kansas Highway Patrol
ESF #2	COMMUNICATIONS Office of Emergency Communications
ESF #3	PUBLIC WORKS AND ENGINEERING Kansas Division of Emergency Management
ESF #4	FIRE FIGHTING Kansas State Fire Marshal's Office
ESF #5	EMERGENCY MANAGEMENT Kansas Division of Emergency Management
ESF #6	MASS CARE, HOUSING, AND HUMAN SERVICES Kansas Department of Social and Rehabilitation Services
ESF #7	LOGISTICS MANAGEMENT AND RESOURCE SUPPORT Kansas Division of Emergency Management
ESF #8	PUBLIC HEALTH AND MEDICAL SERVICES Kansas Department of Health and Environment
ESF #9	SEARCH AND RESCUE Kansas Division of Emergency Management
ESF #10	OIL AND HAZARDOUS MATERIALS Kansas Division of Emergency Management
ESF #11	AGRICULTURE AND NATURAL RESOURCES Kansas Department of Agriculture
ESF #12	ENERGY AND UTILITIES Kansas Division of Emergency Management
ESF #13	PUBLIC SAFETY Kansas Highway Patrol
ESF #14	LONG-TERM COMMUNITY RECOVERY Kansas Division of Emergency Management
ESF #15	PUBLIC INFORMATION AND EXTERNAL COMMUNICATIONS Office of Public Affairs

“COOP Planning, Kansas Style”

By: Nancy Lamb, KDEM Planner and Brandt Haehn, KDEM Mitigation and Planning Branch Director

“COOP Planning, Kansas Style” was presented at the National FEMA COOP conference in March 2010. KDEM staff outlined the partnerships formed among state agencies and private industry to establish the Kansas Continuity Of Operations Plan (COOP) Subcommittee. The subcommittee continues to meet quarterly to discuss best practices, training needs, and planning issues.



All too often, when COOP is being discussed, the common misconception focuses on preservation of vital records or backup of data. Conversely, a robust COOP plan addresses the people, processes, systems, and infrastructure elements that are required to continue to perform essential functions during an incident. The Kansas COOP Subcommittee realizes the importance in considering all aspects of a COOP, and continues to support a comprehensive strategy to support COOP.

When COOP planners discuss emergencies, disasters, or adverse events they can mean any incident that could result in the inability of a governmental entity or agency to provide essential services to the citizens of Kansas. The subcommittee continues to address challenges recognized in the phases of COOP. To enhance capabilities during a disruption, the COOP Subcommittee has identified various methods of COOP communication options available to state agencies. All this information can be found on the KDEM website:

<http://kansastag.ks.gov/KDEM.asp?PageID=403>



All State COOP plans were re-graded by December 31, 2010 along with an annual review cycle proposal. The completed Continuity of Government Plan was attached to the Kansas Response Plan.

As great achievements in the COOP phases are accomplished, the Kansas COOP Subcommittee encounters the objective of exercising the plans. With a goal of a statewide full scale exercise in July 2014, the Kansas COOP Subcommittee created a State COOP Exercise Design Team to set a multi-year exercise plan. The team first identified strategy plan elements within the action plan:

- ★ Each agency will create training and exercise tactics based on their exercise readiness level;
- ★ The State COOP Exercise Design Team will provide a planning template for all agencies to use in creating plans; and
- ★ Once a year during the month of July all state agencies will conduct statewide testing based off the objectives and scenarios designed by the Exercise Design Team.

A COOP program consists of seven phases:

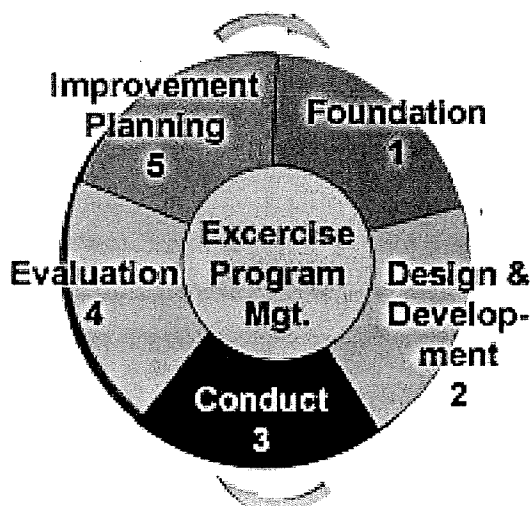
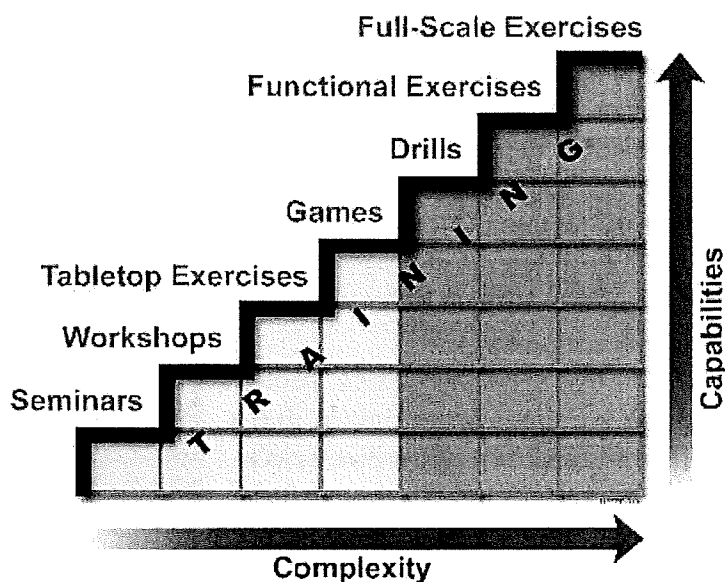
- ◆ Project initiation
- ◆ Identification of functional requirements
 - ◆ Mission impact analysis
 - ◆ Risk Assessment
 - ◆ Mitigation strategies and plan
- ◆ Plan design and development
- ◆ COOP program implementation
- ◆ Training, testing, and drills
- ◆ COOP plan revision and updating
- ◆ COOP plan execution

The Exercise Design template will include the following items:

- A timeline;
- Milestones;
- Links to: FEMA and scenarios created by FEMA, the Homeland Security Exercise and Evaluation Program (HSEEP) website, After Action Report (AAR) examples, the CDC Family Preparedness Training website, Kansas Department of Agriculture family preparedness information, etc;
- Links to best practices information;
- Links to applicable power point presentations and a situation manual with instructor notes; and
- If applicable, links to AAR's and Corrective Action Plans resulting from an actual event that has occurred in an agency.

Beginning in 2011, each agency will conduct an After Action Review and create a Corrective Action Plan. Agencies will then share their finding at the subsequent State COOP Subcommittee meeting that same year for best practice discussion and learning.

- In July 2011, all agencies will participate jointly in a statewide "kickoff" seminar about the State COOP Training and Exercise Program.
- In July 2012, all state agencies will test their COOPs by conducting separate table top exercises.
- In July 2013, all state agencies will test their COOPs by conducting separate functional exercises.
- In July 2014, all state agencies will test their COOPs by conducting separate full scale exercises.



The Kansas COOP Subcommittee recognizes the importance of our counterparts at the county level and the priority for them to continue essential functions during an incident. Kansas Division of Emergency Management (KDEM) continues to assist County Emergency Managers to facilitate county entities in development of department specific COOP plans which are incorporated in a county master COOP. The specific departments includes county level entities: such as Health Department, Treasurer's Offices, Clerk's Office, Public Works, etc. Currently all 105 counties have completed COOP training and over 300 COOP plans have been established.

After completing all the necessary activities associated with developing the continuity plan, counties realize the plans are useless until they are exercised. To assist in this COOP phase the State of Kansas COOP Subcommittee Multi-Year Training and Exercise Plan will be available to county levels to adopt and customize for training purposes.

Making Progress at Crisis City

By: Jennifer Clark, KDEM Technological Hazards Program Manager
Resources: TAG Public Affairs News Releases and KDEM Website



Crisis City is a multi-use training facility operated by the Kansas Division of Emergency Management, a division of the Kansas Adjutant General's Department. It is located at the Great Plains Joint Training Center eight miles southwest of Salina. Crisis City was initially developed in April 2007 to fill the need of enhancing the State's capability to defend against terrorism threats and respond to disasters and emergencies. Over the last three years the mission of Crisis City has expanded to providing Kansas first responders, the Kansas National Guard, and other public and private partners with a world class, multi-discipline, multi-agency training environment.

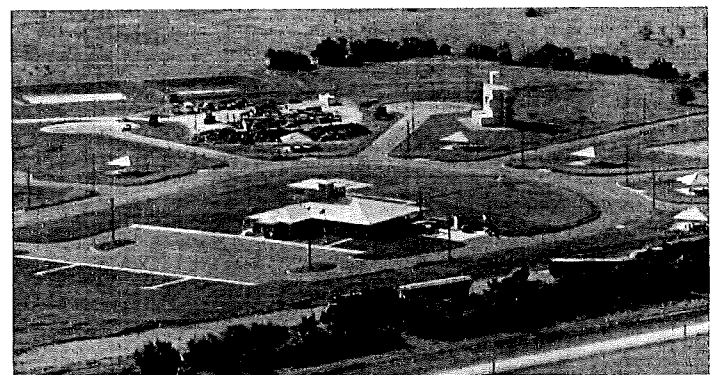
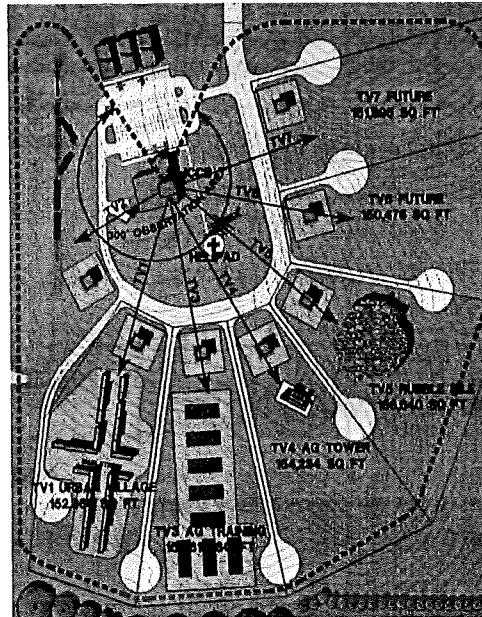
The venues at Crisis City offer multiple training opportunities. It is a fully functional training complex for local, state, and federal responders, Emergency Management professionals, public and private industry safety professionals, and military operations in support of civil authorities. Crisis City consists of seven training venues that are state of the art. The headquarters building offers classroom facilities, a conference room, and a communications suite.

In May 2010, Frank Coots was selected as the Crisis City Manager. Since his tenure began, Crisis City has really come together and is closer to being a fully functioning training facility. "Crisis City is the place to come for hands-on, real-world training for law enforcement, fire, search and rescue, EMS—just about any type of first responders you can think of," said Frank Coots. "There are very few places like this in the entire nation."

Use of the Crisis City venues is free to any Kansas first response organization. Being centrally located near Salina it is accessible from anywhere in the state and allows for everyone to benefit from the possibilities offered at the site. The vision for Crisis City is that it will be the leading training facility in the Midwest for emergency responders.

During 2010 several events were hosted at Crisis City. A Commission on Emergency Planning and Response meeting was held in May in conjunction with the Third Annual Business and Industry Forum. The B&I Forum included a half-day tour and exercise at Crisis City. In July, Operation Smokey Hill included nearly 300 local, state and federal first responders, including National Guard units from Kansas and Nebraska, for an eight-day exercise in Salina. Activities occurred at Crisis City, the Saline County Emergency Operations Center, and the Kansas Highway Patrol Training Academy and were geared toward testing civilian and government response to a domestic terrorism scenario. The exercise called for personnel and equipment to be deployed to Crisis City and the KHP Training Academy to work

through simulated terrorist attacks in realistic training venues. Operation Smokey Hill was a major exercise where all the participants learned a great deal. Crisis City proved to be a premier training facility by providing the realistic backdrop for the exercise.



Top: Artistic rendition of Crisis City depicting all of the training venues. Bottom: Aerial photograph of Crisis City taken on June 25, 2010.

Crisis City Training Venues

Rail Venue

This was the first venue constructed at Crisis City. This venue includes:

- Diesel engine
- Two boxcars
- Two liquid cars
- Grain/coal car
- Two level passenger car

This venue is suitable for derailment search and rescue operations, hazardous material search and containment operations, train stoppage training, and many other such training operations.



Collapsed Structure

The Collapsed Structure Venue is a large, engineered rubble pile with underlying tunnel infrastructure that simulates a collapsed building. It is suited for search and rescue operations, breaching and shoring operations, K-9 search for both rescue dog and cadaver dog operations, and heavy equipment extraction operations.



Urban Village

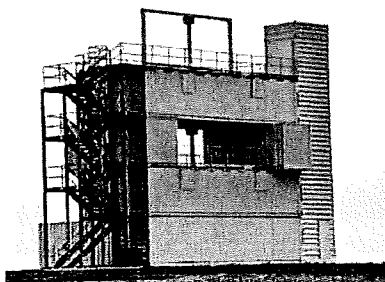
The urban village simulates a small urban setting with a number of buildings of varying stories. This venue is suited for search and rescue operations, breaching and shoring operations, law enforcement and military search and extraction as well as close-quarters small-arms combat operations.

Aircraft Venue

Crisis City is partnering with the Salina Airport Authority on a trailer mounted jet fuselage. This venue will be for training firefighters, airport rescue and firefighting personnel, search and rescue personnel, K-9 and Civil Air Patrol on wide area search techniques, aircraft fire fighting and passenger extraction from a downed aircraft.

Technical Rescue Tower

The Technical Rescue Venue is a five-story structure suited for high rise rescue operations, rope rescue, military and law enforcement search and extraction operations and shoring operations.



Agricultural and Farm Safety Venue

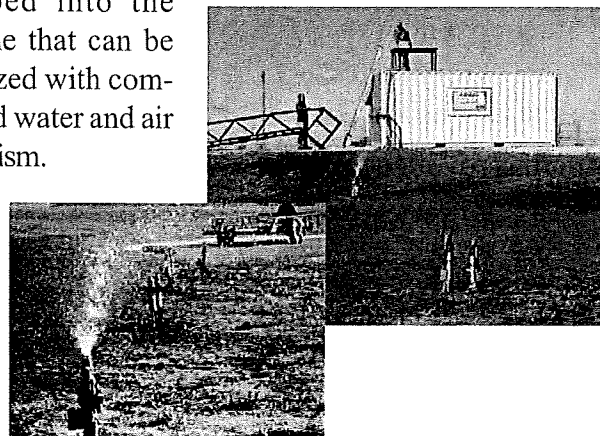
This venue will include:

- A barn with loft
- Numerous pieces of agriculture equipment including an anhydrous ammonia cart
- A grain silo

The focus of this venue will be on entrapment/entanglement scenarios and rescue operations that frequently occur in an agricultural environment.

Kansas Pipeline Association Venue

This venue contains buried and exposed pipeline for leak response techniques. The training props consist of overturned tanker trailer, drill head, vehicle accident scene, confined space trench and a small house; all of which are plumbed into the pipeline that can be energized with compressed water and air for realism.



Kansas Geographic Information and Systems (GIS) Vehicle and Response Team

By: Jessica Frye, TAG GIS Coordinator

Following the Greensburg tornado in 2007, a lack of infield GIS support, resources and personnel was noted as an area of improvement as a part of the Geospatial After Action Report (AAR). The key area for improvement was to provide a mechanism for local jurisdictions to maintain off-site backup of their GIS data, documentation, and information. All of the county government records, including GIS data, were located within the county buildings in Greensburg, the county seat of Kiowa County. The county courthouse was hit directly by the EF5 tornado, and had significant damage. As a result the valuable county records were inaccessible and could not be acquired for many days.

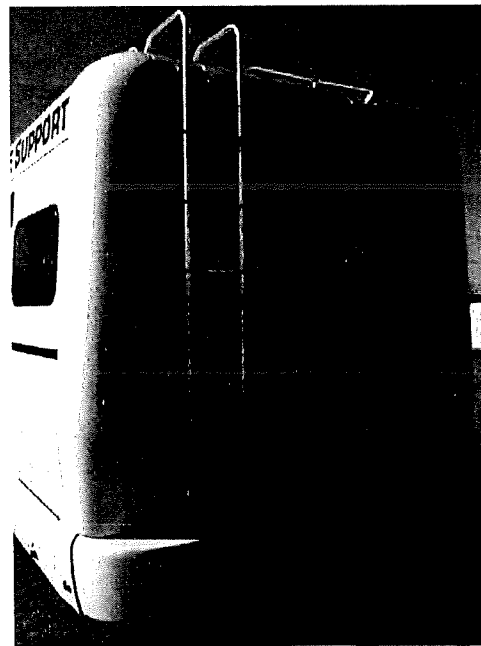
To address the concern of data availability, the Adjutant General's Department, in conjunction with the Kansas Data Access and Support Center (DASC), created a free backup service for local government's GIS data. To ensure accessibility at any time DASC provides further backup of all the backup data through a partnership with the State of Arkansas. An added benefit of this offsite backup is the ability for GIS personnel in the Adjutant General's Department will have the ability to access the GIS data for emergency purposes during disasters.

An additional area of improvement was to provide GIS assets, computers, printers, plotters, and data at the scene of a disaster. Due to the lack of onsite assets, a majority of the maps were printed in Wichita, Pratt or Great Bend and driven to Greensburg. This resulted in a delay of up-to-date maps critically needed during the response.

In 2008 the Adjutant General's Department secured funding to build a response vehicle to support GIS and public information. The vehicle, built by Dodgen Mobile Technologies of Humboldt, is 25 feet long, 8 feet wide and 11 feet tall and room for four people, two to support GIS and two to support public information.

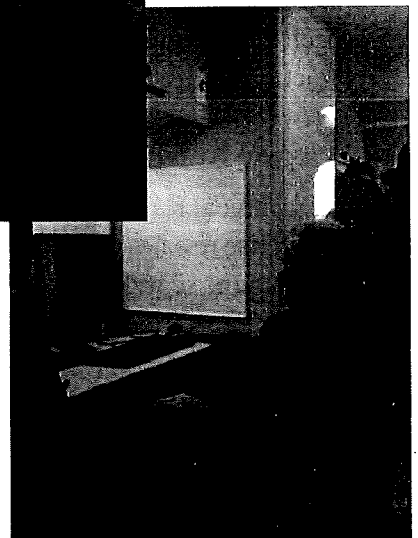
During an incident the vehicle brings valuable resources to the scene. Along with the work areas the vehicle provides laptops, GIS software, a 24" large format plotter, a multifunction printer/scanner/fax, internal network,

two terabytes of network storage, satellite based internet, three internet based phone lines, and an internet based fax line. An onboard generator allows the vehicle to be electrically self-sufficient for up to 44 hours without refueling. Field collection of data is possible with the use of Global Positioning Systems (GPS) and integration into the GIS environment through the use of a GPS enabled camera and handheld GPS unit. The vehicle also has a copy of all GIS data available (local, state, and federal) to the Department and is updated on a quarterly basis. The acquisition of the vehicle allows the Adjutant General's Department to provide personnel, technology, and hardware needed on scene to enhance the efficiency and effectiveness of the any response.



*Public Information/
Geographic Information
Response Vehicle*

"PI/GI"



Features of the Vehicle

Communication

- Satellite Internet
- Satellite Television
- Digital Television
- 800MHz Radio
- IP Phones
- Fax Machine

Power

- Gasoline Generator
- Connection to exterior power

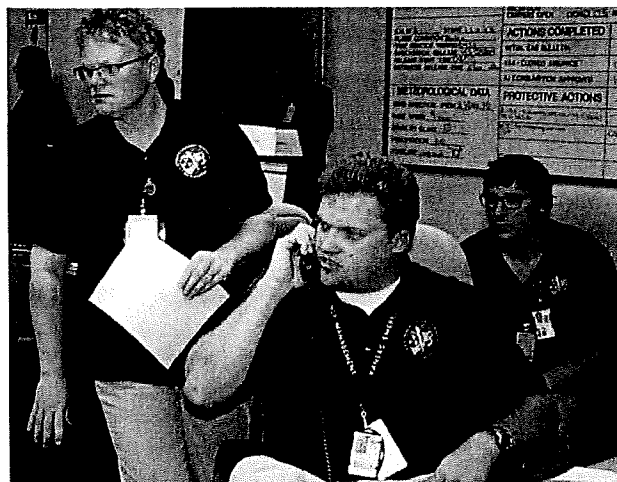
Network

- Wired Network
 - Networked Printer and Plotter
 - Network Storage
- Wireless Network
 - Same Feature as 'Wired Network'
 - Password secured

Four 19' LCD monitors

Four Combination Video Devices

- Hard Drive Recorder
- DVD Player
- Digital Tuner



The TAG's Geospatial Technologies Section is made up of three professionals who provide geographic information support during disasters and emergency exercises.

Both the vehicle and Team members have been utilized during a number of exercises and events throughout the state:

Date	Event	Location
April 16	Exercise	Franklin County
May 26-27	Business and Industry Forum	Crisis City
June 29	Demonstration	FEMA Region VII HQ
July 12-13	Vigilant Guard	Crisis City/Saline Co.
August 18	South Central Hospital Meeting	Wichita
September 13	State Fair Preparedness Day	Hutchinson
September 25	Safety City—Cornstock 2010	Garnett
November 17	GIS Day	Fort Hays State

The third area of improvement was the need to provide GIS personnel on scene to support the county, state, and incident management teams. The result was the creation of the Kansas GIS Response Team. The Team is a collection of GIS professionals from throughout the state who have agreed to provide mapping support in the event of an incident. The members are largely local and state government employees, however, college professors, students, and private sector GIS professionals are also members of the team. The Team members must participate in both online and classroom training on the Incident Management System and on operating the response vehicle. Team members are also required to participate in at least one exercise per year at any level.

The Vehicle and Team will be utilized in the upcoming National Level Exercises (NLE) including NLE 2011 – New Madrid and NLE 2012 – Amber Waves. The vehicle and GIS Response Team are managed by the Geospatial Technologies Section of the Adjutant General's Department and is available for response, exercises, or training. For more information contact Jessica Frye, GIS Coordinator at 785-274-1610 or jessica.p.frye@us.army.mil.

Deepwater Horizon Response: A Personal Story

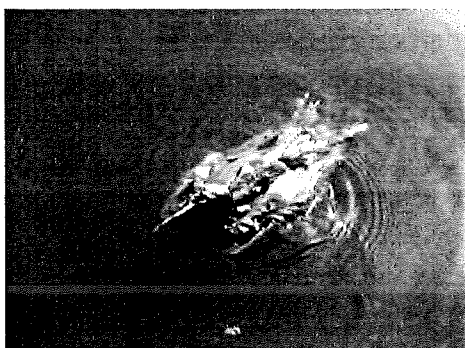
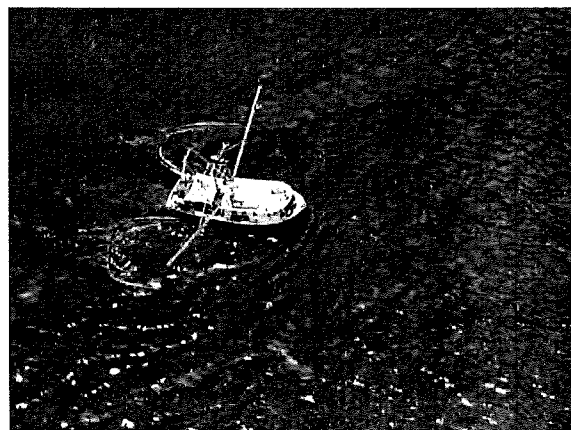
By: Jesse Smith, TAG GIS Analyst

As a GIS Analyst for the Kansas Adjutant General's Department, I am surrounded by knowledge and leadership that only comes from serving Kansas for many years through the priceless experience of guiding the citizens, localities, and state through countless disasters.

I, on the other hand, can only boast a couple years of service, with the only disaster being "snowmageddon" that we experienced during the holidays of 2009.

On April 20, 2010, the Deepwater Horizon drilling rig suffered an explosion, killing 13 and injuring 17 others. Thus began the largest accidental marine oil spill in the history of the world.

On a Wednesday evening, June 9, 2010, I received a call from the Deepwater Horizon GIS Field Coordinator, and by the end of the call, I was asked to report to the Incident Command Post (ICP) in Houma, LA on June 21.



Arriving to the ICP Houma was quite a sight, which was housed in a BP training center. "The Fishbowl" was unforgettable; a room about the size of a basketball court with rows of tables filled with computers, all of them manned by personnel from Federal, State, Local, and Private entities all working together. ICP Houma was truly an amazing place. It was a city in itself. All meals served were from the cafeteria, on-site laundry drop off, and anything else we could possibly need. There were even several massage therapists!

I was sent to Venice, LA to represent GIS and evaluate a roll-out of new GPS devices customized for the response. Venice was the tip of the sword. There were over 3,200 responders there, and the crude had already shown itself on the shores. Creature comforts were quite different from that in Houma.

To satisfy the needs of the response a giant gravel parking lot was laid; adding trailer's and tents for workspace. We worked from before dawn till after dusk, everyone playing catch up. After being there for 3 days I was already completely exhausted. The heat index was well above 100 everyday, and I was not acclimated yet.

I wasn't in Venice long before my field coordinator told me they needed me in Port Fourchon, LA. I arrived several hours later, with a very basic Dell laptop, and my task was to run the mapping section for the Port Fourchon Forward Staging Area. It was not long until things became very hectic in Port Fourchon. Additional help arrived, and I was running a mapping section whose mission was to assist the US Coast Guard Situation Unit.

We were on a 24 hour operational period, and I briefed planning and tactics meetings twice daily. In Port Fourchon, we used a combination of data pushed down through the GIS lab in Houma, and local data we created during our response. On a daily basis, we created about 20 products, plus or minus special requests. Then those 20 products were dispersed by hand and email, and I estimate an audience of around 60 people used the products on a daily basis.



The opportunity to respond to the call for help in the Gulf of Mexico was a call that had to be answered. When the nation was faced with a catastrophe unlike we had seen before, we responded in a way unlike we had seen before. Responders, like me, many whom left home with nothing more than a phone number to call when they arrived in the area. We sacrificed our families, friends, jobs, and our summer to do our part. We were not alone, as we sacrificed, our families did as well. Our employers found ways to cover our seats while we were gone. We knew that America was behind us all the way, which for many of us was enough to get us by working in an “emergency phase” for so long. Federal, State, Local, and Private Professionals came together and worked as a single unit, and for my experience anyway, put the politics behind us. I arrived, got caught up in the storm, met so many interesting people, worked harder than I had thought possible, accomplished more than I thought possible, and changed more than I thought possible.

As I write this, I try to think of the most memorable moment while I was at the response. I think about enduring Hurricane Alex, celebrating Independence Day with the Coast Guard, being evacuated for Tropical Storm Bonnie, the announcement that the well was capped, high ranking Commanders and an Admiral visiting us, and other “big” events. I seriously doubt that I forget much of anything, but the best moment just may have been when I was thanked for my service, and told I am welcome to return home.

Deepwater Horizon Spill Response Facts

www.restorethegulf.gov
Current as of January 21, 2011

- 4.9 million barrels of oil discharged
- 48,200 responders at peak
- 9,700 vessels at peak
- 3.8 million feet of hard boom deployed
- 9.7 million feet of soft boom deployed
- 1.8 million gallons of dispersants used
- 127 surveillance aircraft
- 4 incident command posts (TX, LA, AL, and FL)
- 32 equipment staging areas
- 1.4 million barrels of liquid waste collected
- 92 tons of solid waste collected
- 15 federal agencies involved in the response
- 632.6 million dollars billed to the responsible parties for costs of removal operations
- 47 International offers of assistance accepted (boom and skimmers)
 - Canada, Mexico, Norway, Japan, Germany, France, UK, Tunisia, Belgium, Qatar, Kenya, China, Russia, Netherlands, and the European Union

Then and Now...

July 8, 2010

(at the height of the response)

www.restorethegulf.gov

Response Vessels

- Vessels of Opportunity: 3,190
- Barges: more than 460
- Skimmers: more than 560
- Other Vessels: more than 2,470
- Total active response vessels: more than 6,680
- Aircraft: 112

Personnel Involved

- Overall personnel responding: 47,000 +

January 20, 2011

www.restorethegulf.gov

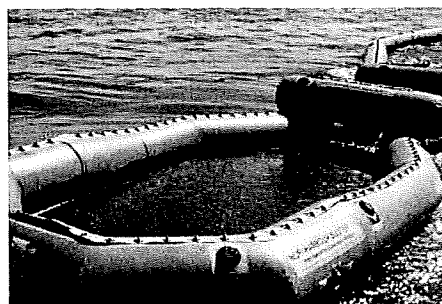
Response Vessels

- Operational Vessels: 292
- Barges: 48
- Skimmers: 14
- Total active response vessels: 340
- Aircraft: not reported

Personnel Involved

- Overall personnel responding: 5,193

As of November 21, 2010 there has been more than 34.7 million gallons of oily water recovered and an estimated 11.1 million gallons of oil burned. At the height of the response in July there was more than 3 million feet of boom deployed.

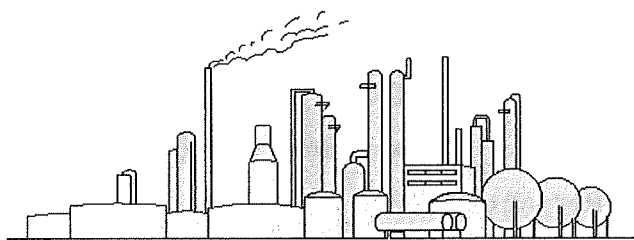


2010 Hazardous Material Spills

By: Kim Nettleton, KDEM Environmental Scientist

The Kansas Division of Emergency Management (KDEM), the Kansas Department of Health and Environment (KDHE), and the Kansas Corporation Commission (KCC) report there were approximately **1618*** hazardous material releases in Kansas for 2010.

Provisions of Section 304 of the federal law, "Superfund Amendments and Reauthorization Act of 1986" (SARA), require immediate notification when an accidental or unplanned release of a hazardous substance occurs. When a spill or release has occurred, the spiller must notify local and state authorities and the National Response Center (NRC) within 15 minutes.



In Kansas, the county emergency coordinator receives the notification for the Local Emergency Planning Committee (LEPC), and the Division of Emergency Management (KDEM) receives the notification for the State Emergency Response Commission (SERC), now known as the Commission on Emergency Planning and Response (CEPR) in Kansas.

At the State level, there are three agencies that have an interest in spill and releases of hazardous materials. Spills are to be reported, by the spiller, to the appropriate agency, KDEM, KDHE, or the KCC. Each agency has their own requirements and thresholds for reporting spills or releases. Any spill or air release that exceeds the Reportable Quantity (RQ) for a hazardous chemical listed in the Environmental Protection Agency's (EPA's) SARA Title III List of Lists (LOL) is reportable to KDEM. In addition to notifying KDEM, any spill or release that involves water or soil is required to be reported to KDHE and spills or releases at oil and gas exploration and production sites are required to be reported to the KCC.

*Note: *this figure excludes KCC's 1st quarter releases*

In 2010, KDEM received 361 notifications that exceeded the RQ for a chemical. This is thirty less than 2009 (391). KDHE received 744 notifications, while KCC reported 513* release notifications.

Top 5 Commodities Reported to KDEM

Commodity	Incidents	Total LBS Released
Sulfur Dioxide	98	1,316,366
Anhydrous Ammonia	63	89,532
Diesel Fuel	50	17,524
Hydrogen Sulfide	47	4,535
Crude Oil	23	54,520

KDHE's Most Investigated Spills in 2010

Investigations	Commodity
111	Electrical Insulating Oil/Mineral Oil
106	Diesel/Fuel Oil/Heating Oil
70	Brine/Saltwater
51	Gasoline
46	Crude Oil
37	Contaminated Water
29	Motor Oil
28	Hydraulic Oil/Fluid
25	PCB Fluids
24	Hydrogen Sulfide
20	Sulfur Dioxide
13	Mercury

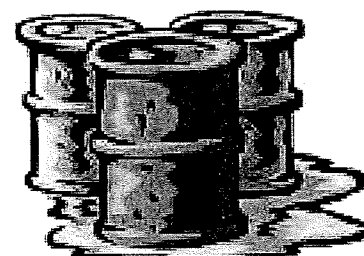
A hazardous materials accident can occur anywhere. Communities near chemical manufacturing plants are aware of their potential risk; however, hazardous materials are transported on our roadways, railways, and waterways daily—so any area is considered vulnerable to an accident. The primary locations of spills reported to KDEM are from fixed facilities, motor carrier, pipeline, and rail. Last year, 60% occurred at fixed facilities, 17.7% from motor carrier, 5.5% from pipelines, 4.9% from the railroad, and the remaining 11% were from various other sources.

The counties with the most spills or releases reported in 2010 were: Montgomery (136), Butler (107), Wyandotte (78), McPherson (74), and Sedgwick (66).

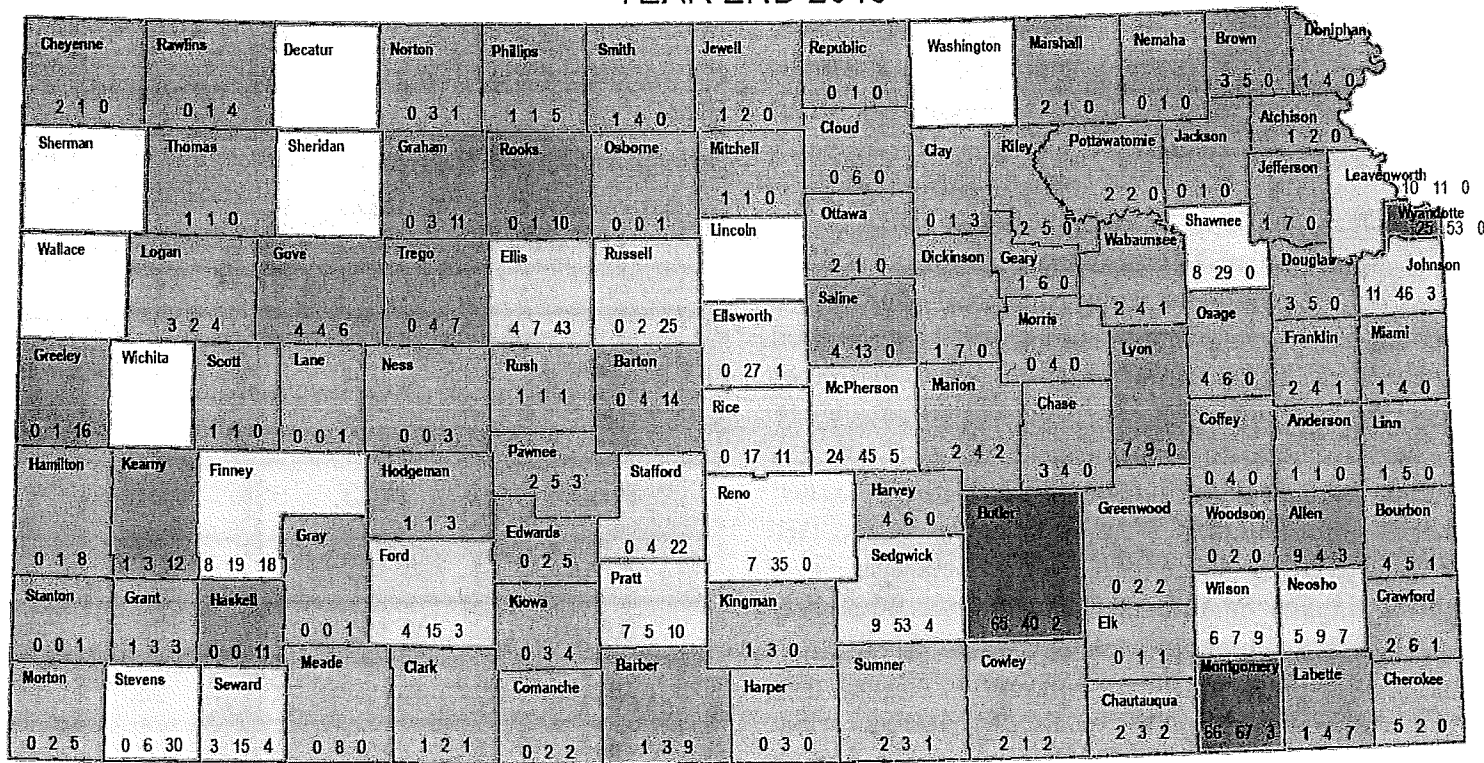
2010	Incidents	Hospitalized	Non-Hospitalized	Fatalities	Damages
Air	5	0	0	0	\$0
Highway	262	0	0	0	\$299,382
Rail	9	0	0	0	\$112,010
Water	0	0	0	0	\$0
Undeclared	19	0	0	0	\$0
Totals	286	0	0	0	\$411,392

The table contains the Incident Data for the year 2010, for incidents that have been received at U.S. DOT through January 21, 2011.

U.S. Department of Transportation Incident statistics from 2010.
Source: <http://www.phmsa.dot.gov/hazmat/library/data-stats/incidents>



RELEASE INCIDENTS PER COUNTY as reported to KDEM, KDHE, and KCC YEAR END 2010



Source: Kansas Adjutant General's Department, Division of Emergency Management; Kansas Department of Health and Environment; Kansas Corporation Commission; U.S. Census Bureau

Kansas Adjutant General's Department
Geospatial Technologies Section
21 January 2011

0 1 - 10 11 - 20 21 - 30 31 - 50 51 - 75 76 - 136

Red numbers (left number) indicates spills reported to KDEM and exceeded the EPA's RQ threshold
Green numbers (middle number) indicates spills reported to KDHE and impact soil, surface water, or ground water
Black numbers (right number) indicates spills reported to KCC
NOTE: Several releases are reported to both KDEM and KDHE.

EPA's 2009 Toxic Release Inventory Report

By: Kim Nettleton, KDEM Environmental Scientist

In 1984, a deadly cloud of methyl isocyanate killed thousands of people in Bhopal, India. Shortly thereafter, there was a serious chemical release at a sister plant in West Virginia. These incidents caused industrial workers and communities in several states to demand information on hazardous materials in their area. The Emergency Planning and Community Right-to-Know Act (EPCRA) was enacted in 1986.

EPCRA's primary purpose is to inform communities and citizens of chemical hazards in their area. Sections 311 and 312 of EPCRA require businesses to report the locations and quantities of chemicals stored on-site to state



and local governments in order to help communities prepare to respond to chemical spills and similar emergencies. EPCRA Section 313 requires EPA and the States to annually collect data on releases and transfers of certain toxic chemicals from industrial facilities, and make the data available to

the public in the Toxics Release Inventory (TRI).

The goal of TRI is to empower citizens, through information, to hold companies and local governments accountable in terms of how toxic chemicals are managed. Each year, facilities that meet certain thresholds must report their disposal, other releases, and waste management activities for listed toxic chemicals to EPA and to the state or tribal entity in whose jurisdiction the facility is located. Each facility submits a TRI reporting form for each TRI chemical it has manufactured, processed, or otherwise used during the year in amounts exceeding the thresholds.

Reports for each Calendar Year are due by July 1 of the following year. The EPA makes the TRI reporting data available to the public via the TRI database. The online database allows the public to research the type and amount of toxic chemicals released into the environment either by selecting their state or entering their ZIP code.

The TRI program has expanded significantly since its inception in 1987. The EPA has issued rules to roughly double the number of chemicals included in the TRI to approximately 650. Seven new industry sectors have been added to expand coverage significantly beyond the original covered industries, i.e. manufacturing industries. In November 2010, the EPA added sixteen new chemicals, "reasonably anticipated" to be carcinogenic, to the TRI list.

Types of Major Chemical Releases or Waste Generation in Kansas During 2009

(in pounds)

Total On-site Disposal or Other Releases	18,214,819
<i>Air Releases</i>	8,011,645
<i>Water Releases</i>	620,384
<i>Land Releases</i>	8,522,266
<i>Underground Injections Wells</i>	1,060,525
Total Off-site Disposal or Other Releases	2,908,586
Total On- and Off-site Disposal or Other Releases	21,203,249

Total On- and Off-site Disposal or Other Releases

(in million of pounds)

Year	U.S.	Kansas
2005	4367.3	29.6
2006	4325.6	27.9
2007	4102.6	26.1
2008	3855.2	24.6
2009	3374.9	21.2

Armed with TRI data, communities have more power to hold companies accountable and make informed decisions about how toxic chemicals are to be managed. The data often spurs companies to focus on their chemical management practices since they are being measured and made public. In addition, the data serves as a rough indicator of environmental progress over time. For the reporting year 2010, 285 facilities in Kansas reported toxic chemical releases into the environment resulting in 21,203,249 pounds. Eighty-six percent of these releases or about 18.2 million pounds were on-site, ranking Kansas 36th nationwide in total on-site disposal or other releases. There has been a steady decrease in the total number of pounds of chemicals disposed of or released between 2007 and 2009. There was 26.1 million pounds disposed of or released in 2007, 24.6 million pounds in 2008, and 21.2 million pounds in 2009, a decrease of 19% over the last three years.

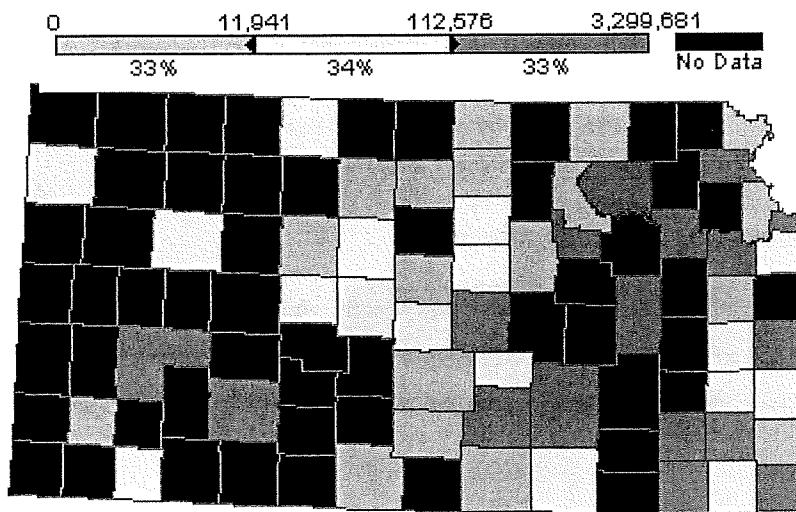
According to the TRI report, the most common type of release was to the land, accounting for approximately 40% of the total reported releases. The top five Kansas counties reporting toxic releases were: Linn, Pottawatomie, Ford, Wyandotte, and Finney.

Users of TRI data should be aware that the data does not reflect whether (or to what degree) the public has been exposed to any of the TRI chemicals. Both the toxicity of a chemical and exposure considerations should be taken into account when examining the data. Some high-volume releases of less toxic chemicals may appear to be a more serious problem than lower volume releases of highly toxic chemicals, when just the opposite may be true.

For more information on toxic chemical releases, please contact the Kansas Department of Health and Environment or visit the EPA website at:

www.epa.gov/triexplorer

2009 TRI Releases for the Top Five Kansas Counties and their Facilities			
County	Facility	Pounds per Facility	Total Pounds
Linn	Great Plains Energy La Cygne Generating Station	3,299,691	3,299,691
	Jeffrey Energy Center	2,486,689	
	Onyx Collection Inc.	126,950	
Pottawatomie	Other (2 facilities)	6,910	2,620,549
	Koch Nitrogen Co. LLC	1,999,554	
	Cargill Meat Solutions Corp.	553,625	
Ford	Other (2 facilities)	27,250	2,580,429
	Quindaro Power Station KC BPU	662,548	
	Griffin Wheel Co.	456,732	
Wyandotte	Nearman Creek Power Station	382,205	2,221,740
	GM Fairfax Assembly	236,700	
	Owens Corning Insulating System LLC	224,514	
	Certainteed Corp.	141,227	
	Other (19 facilities)	117,814	
	Sunflower Electric Power Holcomb Unit 1	1,185,978	
	Tyson Fresh Meats, Inc.	151,610	
Finney	Beef Products Inc. (FC)	131,202	1,560,697
	Other (3 facilities)	91,907	



The colors on the map represent the total on-site disposal or other releases (in lbs) reported by TRI facilities in the State.

Third Annual Business and Industry Forum

By: Harry Heintzelman, KDEM Program Consultant

Kansas business leaders met with state and county Emergency Management officials May 26-27 for the Third Annual Business and Industry Forum for disaster response and recovery. The forum, held at the Crisis City Training Facility, was hosted by the Kansas Adjutant General's Department with the support of the Salina Chamber of Commerce.

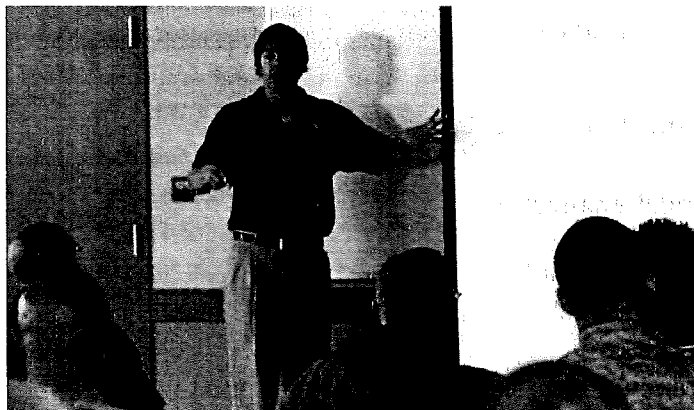
The goal of these annual forums is to build "team Kansas" by developing relationships between private industry, state, and county agencies before something happens. Bringing together a group of people with such diverse backgrounds as FEMA, KDEM, Pipeline association, cooperatives, and more, stimulates the development of ideas on how each agency or industry can help out a community in times of need. "It gives everyone a chance to network with people outside of their normal channels" said Randy Mettner.

These relationships can speed up the recovery as well as reduce costs. Local resources from industries and counties are close at hand and can be on-scene relatively quickly. It takes time to activate the National Guard or locate and organize resources from across the state and can be expensive to bring those resources to the scene. According to Angee Morgan, Deputy Director, KDEM "It's better to have those pre-disaster contracts and relationships because you have a better, more effective response and it's better in most cases because it's cheaper."

On day one, the 141 attendees were able to take a half day tour of the Crisis City Training Center in Salina and observe a HAZMAT team exercise involving a leaking railcar.



During the Business and Industry Forum, a HAZMAT team demonstrated, for observers, a repair on a leaking railcar.

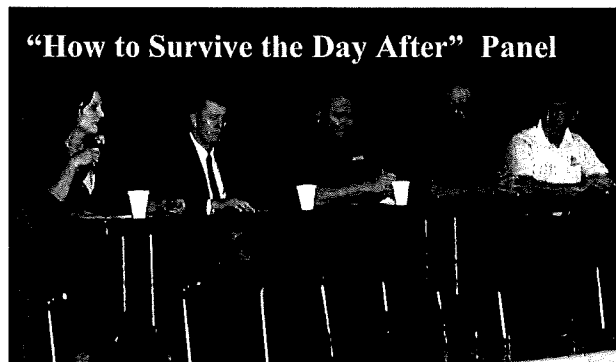


Brandt Haehn, KDEM Mitigation and Planning Branch Director, gives a presentation during the Business and Industry Forum.

For many of the attendees, it was their first time seeing the facility in action.

Day two featured two panel discussions and several presentations. The first panel consisted of members from KDEM, FEMA, AT&T, Red Cross, and Butler County. This Panel discussed processes that response organizations must follow. The second panel featured business owners from John Deere, People's State Bank, REC of Greensburg and BW Meats in Neodesha. They discussed what it takes for a business to survive after a disaster. Other presentations included Media in Disasters; Logistics and Oil, Gas, Pipeline Disaster Preparedness; and Response and sharing Resources.

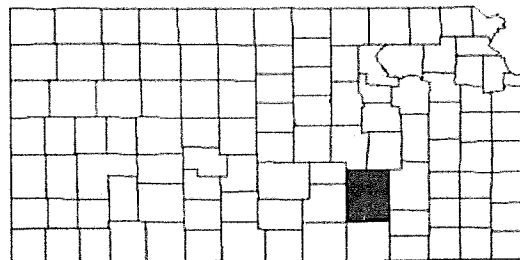
According to Randy Mettner, of the Adjutant General's Department, this year's forum was a big success "but we hope to make the next forum even better."



LEPC Spotlight: Butler County

By: Jennifer Clark, Technological Hazards Program Manager
Resource: Butler County Emergency Management Website

It is easy to understand why Butler County LEPC is award winning for Mid-Sized Communities, populations between 20,000 and 80,000. The members of the Butler County LEPC have developed great working relationships with one another and have worked closely with private industry to improve the safety and health of its community. All members share the attitude that preparedness needs to be practiced and education is continuous. The success of the LEPC has a lot to do with the right people in the right place with an attitude of "shared preparedness".



Pictured above: Lane Sekavec, Union Pacific Railroad; Jim Schmidt, Butler County Emergency Management Director; Charlene Miller, Butler County Assistant Emergency Management Director; and John Prather, Groendyke Transport, Inc.

dance. It was a thought provoking exercise which allowed responders to ask questions, enhance communication, and identify resources. Tabletop exercises are a great way to engage all members of the LEPC into preparedness planning.



The new ICS Toolkit gives LEPC members a "hands-on" experience.

The Butler County LEPC is very active in seeking out grant funding through the Hazardous Materials Emergency Preparedness (HMEP) grant program. They recently purchased the new ICS Toolkit through HMEP funds. This kit gives participants the opportunity to be "hands-on" when working through hazmat exercise (or any other type of exercise) scenarios.

The most successful achievement Butler County LEPC has accomplished is their outreach and coordination with private industry. With major industries, like Frontier Refining Inc., in their county they have engaged with the private sector in providing outreach to responders, citizens, and each other. John Prather from Groendyke Transport and Kansas CEPR Chairman noted, "As a private sector observer, Butler County and its communities get high marks for continued professionalism and training involving industry and multi-agencies."

The Butler County LEPC breeds enthusiasm and remains a vital component in the enhancement of prevention, preparedness, response and recovery, planning, exercising and training for the county. The secret to their success is in the diversity of their meetings and activities. Recent topics discussed at their meetings range from Public Health's role in emergency preparedness, the Medical Reserve Corp, updates to bylaws, recent hazardous materials responses, hazard vulnerability assessment findings, and potential additional training they can bring to their county. This year, during one of their meetings, the LEPC hosted a tabletop exercise with BNSF Railway. The exercise focused on a train derailment involving hazardous materials at Cassoday, KS on "Biker Sunday" where 5,000 bikers were in attendance.



The Butler County LEPC participated in a tabletop exercise hosted by BNSF Railway.

Local Emergency Planning Committees

By: Jennifer Clark, KDEM Technological Hazards Program Manager

The Local Emergency Planning Committee (LEPC) is a product of federal legislation that was passed in the wake of the Bhopal disaster in India, where more than 2,000 people died because of an accident involving accidental release of a hazardous chemical.

To prevent similar occurrences in our own communities, Congress passed the Emergency Planning and Community Right to Know Act (EPCRA), also known as the Superfund Amendments and Reauthorization Act (SARA Title III), in 1986.

EPCRA helps to increase public knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. LEPCs are volunteer organizations. Their main functions are to provide for joint emergency planning, training, and public outreach. As a result, communities, working with industry, are better able to protect public health and the environment.

The mission of the LEPC is to provide a forum for emergency responders, environmental organizations, health and safety professionals, government officials, concerned citizens and others from industry and the public sector to review, share and distribute information as well as provide education, training, and resources for planning, preparedness, prevention and response to hazardous materials and other emergency events. LEPCs are crucial to local planning and community right-to-know programs. The members come from the local area and are familiar with factors that affect public safety, the environment, and the economy of the community.

The LEPC's initial task is to ensure an emergency plan is developed to prepare for and respond to chemical emergencies. EPA's list of extremely hazardous substances may provide a focus for setting priorities in the planning effort. An emergency plan must include the identity and location of hazardous materials, procedures for immediate response to a chemical accident; ways to notify the public about actions they must take; names of coordinators at plants; and schedules and plans for testing the plan. The LEPC must publicize the plan through the public meetings or newspaper announcements, get public comments, and periodically test the plan by conducting emergency drills.

A LEPC IS:

- ◆ A committee responsible for EPCRA compliance
- ◆ Representatives of different groups and organizations
- ◆ The link between local governments and industries to enhance hazmat preparedness
- ◆ Crucial to all-hazards planning and community right-to-know programs
- ◆ A group of volunteers

The LEPC also receives emergency releases and hazardous chemical inventory information submitted by local facilities, and must make this information available to the public upon request. It must establish and publicize procedures for handling these requests.

LEPCs have the authority to request additional information from facilities for their own planning purposes or on behalf of others. LEPCs may want to visit facilities in the community to find out what they are doing to reduce hazards, prepare for accidents, and reduce hazardous inventories and releases. LEPCs can take civil actions against facilities if they fail to provide the information required under the Act.

In addition to its formal responsibilities, the LEPC serves as a focal point in the community for information and discussions about hazardous substances, emergency planning, and health and environmental risks. Citizens will expect the LEPC to reply to questions about chemical hazards and risk management actions.

A LEPC can most effectively carry out its responsibilities as a community forum by taking steps to educate the public about chemical risks, and working with facilities to minimize those risks. The value of the information provided by the Emergency Planning and Community Right-to-Know Act will be limited unless citizens are given the means to understand the information and its implications. The LEPC's ability to improve the safety and health of its community will be greatly enhanced by the support of an informed and active citizenry.

LEPC Composition and Membership

By federal and state law, each LEPC must include, at a minimum, representatives from each of the following groups or organizations:

1. Elected state and local officials.
2. Law enforcement, emergency management, fire fighting, emergency medical services, health, local environmental, hospital and transportation personnel.
3. Broadcast and print media. (These entities are needed to get the word out about a release or for providing a channel for public education about LEPCs and their goals.)
4. Community groups. (Community groups, especially environmental activists and advocates, can raise issues and be very effective in representing the public concerns about chemical risks and hazards. It is a good idea to look for participation from community groups that are active in EPCRA issues.)
5. Owners and operators of facilities subject to the requirements of this article. The purpose of the diversity of stakeholders is to get a full handle on the complex job assigned to a LEPC, and each point of view and expertise lends more substance to the planning effort.

Each LEPC appoints a chairperson and adopts bylaws by which the LEPC will function. These rules must include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.

The Purpose of a LEPC

To form a partnership with state, local and tribal government, responders, and industry as an enhancement for prevention, preparedness, response and recovery, planning, exercising and training. Local government is responsible for planning and response within their jurisdiction for all hazards.

Primary LEPC Responsibilities

(EPCRA, Public Law 99-499)

1. Shall review local emergency management plans once a year, or as circumstances change (*Section 303(a)*).
2. Shall make available each Material Safety Data Sheet (MSDS), Kansas Tier II report, inventory form, toxic chemical release form, and follow-up emergency notice to the general public (*Section 324(a)*).
3. Shall establish procedures for receiving and processing requests from the public for information, including Tier II information (*Section 301(c)*).
4. Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (*Section 303(d)*).
5. Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners/operators of covered facilities (*Section 304(b)(1)(a)*).
6. Shall be given follow-up emergency notice information as soon as practical after a release which requires the owner/operator to submit a notice (*Section 304(c)*).
7. Shall receive from the owner/operator of any facility an MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals (*Section 311(a)*).
8. Shall, upon request by any person, make available an MSDS to the person (*Section 311(a)*).
9. Shall receive from the owner/operator of each facility an emergency and hazardous chemical inventory form (*Section 312(a)*).
10. Shall respond to a request for Tier II information under this paragraph no later than 45 days after the date of receipt of the request (*Section 312(e)*).
11. May commence a civil action against an owner/operator of a facility for failure to provide information under section 303(d) or for failure to submit Tier II information under section 312(e)(1) (*Section 326(a)(2)(B)*).

Insights into the HMEP Program

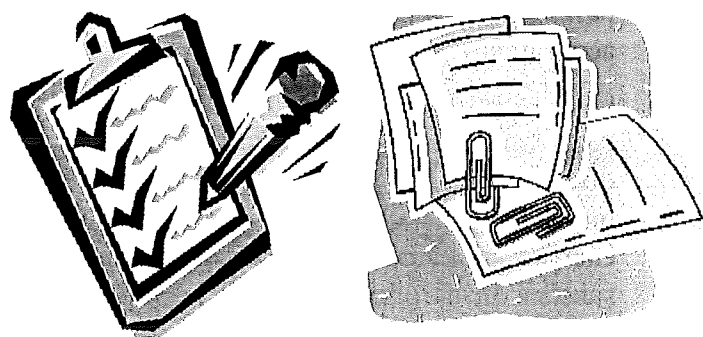
By: Swapan Saha, KDEM Environmental Scientist

The Hazardous Materials Emergency Preparedness (HMEP) grant program supports the front-liners who are protecting our nation's citizens, communities, and infrastructure -- the First Responders. The Pipeline Safety and Hazardous Materials Administration (PHMSA) of the United States Department of Transportation (USDOT) oversees this program. The HMEP grant program enhances the ability to respond to hazmat incidents and minimize safety risks to responders, citizens, property, and the environment. The Kansas Division of Emergency Management (KDEM) administers this grant program for Kansas.

The financial support for the HMEP program comes from the fees collected from the shippers of hazardous materials. The HMEP program provides funding for hazmat planning, training, and exercises to test the plan and improve response capabilities in relation to hazmat incidents, particularly transportation related ones. HMEP funds are awarded through the States, referred as the grantees. The States are responsible for oversight and management of this grant program and distribute funds to the locals, often referred to as sub-grantees. The Local Emergency Planning Committees (LEPC) are responsible for execution and oversight of this grant program at the local level. Since the beginning of this national program, approximately \$182 million has been awarded, over 2,266,000 responders have been trained, approximately 9,000 commodity flow and hazard analyses were completed, 52,135 plans were developed or updated, 12,649 exercises were conducted, and an average of 1,695 LEPCs benefit from the HMEP grant program each year.

The Kansas HMEP grant program is centered on hazmat planning, training, and exercises to test the planning and response capability. Activities funded through HMEP program are required to meet certain criteria. For example, a local emergency operations plan (LEOP) developed through HMEP must include a hazmat planning component in compliance with the SARA Title III requirements. Any Commodity Flow Study or Hazard Analysis conducted with HMEP funds must follow the Commodity Flow Survey guideline or the Hazard Analysis guideline, respectively. All exercises carried out with HMEP funds must comply with the HSEEP requirements and include a hazmat scenario.

KDEM encourages LEPCs to develop regional projects that are cost effective and cater to the need of a region instead of a single county. Regional projects receive higher priority over an individual one during the grant application review process. The regional projects do not need to encompass the Homeland Security regions but they can be used as a basis for planning. All regional proposals should be reasonable and executable within the stipulated grant performance period. Since funding is limited and HMEP funds are received on a yearly basis, LEPCs (sub-grantees) can split a project into smaller units if a regional project becomes too large or too costly. LEPCs can develop a long term plan and request for renewal of funding each year. However, LEPCs should also consider the fact that the grant proposals are evaluated on a competitive basis and therefore continuation of funding for a long term project is not guaranteed.



The activities that are approved under the HMEP program are listed in 49CFR 110.40. Each year, the States are required to submit a proposal to PHMSA delineating the long term plans for the State for prevention of hazmat incidents and appropriate response. The proposals are reviewed, approved, or requested for modifications, or rejected by PHMSA. Likewise, proposals submitted by the LEPCs to KDEM also go through a comprehensive review process and are evaluated based on a set of pre-selected criteria that align with the program objective. The proposals are reviewed by a Grant Review Committee, consisting of members from various disciplines of KDEM. HMEP funds are used for hazmat planning, training and exercises. Equipments, software, food for training/exercise, backfills, salaries, overtime, travel for participation in exercise, general hazmat public

awareness activities, hazmat decontamination in a hospital setting, Emergency Operating Center (EOC) leadership exercises, National Incident Management System (NIMS) courses, All-Hazards training courses, etc are not allowed under HMEP. Rental or purchase of one set of equipments for props for a exercise may be allowed with the prior approval from KDEM and PHMSA. The PHMSA website lists some example of activities that are eligible under HMEP. All hazmat trainings funded by the HMEP grant program should be NFPA or OSHA 1910.120 compliant. Any specialized training that does not follow NFPA or OSHA standards must have pre-approval from KDEM and PHMSA.

The HMEP grant performance period follows the federal fiscal year, i.e., October 1 through September 30. At the end of each grant period, the State is required to submit a grant closing report and return all unused grant funds to PHMSA. A successful completion and closing of the existing grant is a pre-condition for draw-down of HMEP funds for the following year. The mandatory grant closeout report requires a great deal of information including the HMEP activities that were carried out during the grant year, progress made by the State towards achieving its long term goal, plans to meet unmet objectives, and so on. In addition, States are also required to respond to an 'Accountability Questionnaire' set forth by PHMSA on hazmat planning and training accomplished during the grant performance cycle. KDEM has set 'August 31' as the deadline for LEPCs to close their HMEP grant with the State to allow sufficient time to complete the grant closing paperwork with PHMSA.

HMEP is a reimbursement grant program. Nonetheless, KDEM has disbursed grant funds to the LEPCs mostly based on obligations. This is due to the fact that many LEPC may not have the start up funds for the projects they planned.

Though this trend has helped many counties, it has its drawbacks as well. Some sub-grantees fail to spend the awarded funds judiciously, projects remain incomplete and large sums of funds are returned at the end of the grant period, and grants close-out reports are not submitted in a timely manner. This has a consequential effect on the overall performance of the HMEP program. It delays the grant closing process with PHMSA, prevents draw down of next year's funds, and eventually slows down disbursement of the next year funds. Returning of large sums of funds at the end not only defeats the purpose of the HMEP program but also deprives other deserving counties. To streamline the HMEP grant operations, KDEM is considering elimination of the cash advancement and implement reimbursement methodology in the near future.

HMEP 2010 Highlights

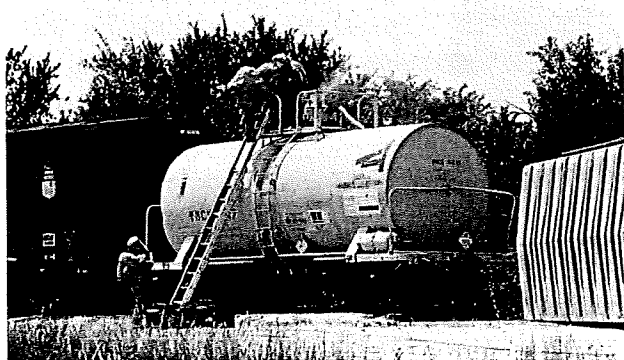
(October 2009-September 2010)

- Trained 450 responders
- Conducted 5 hazmat exercises
- Developed 16 LEOPs
- Conducted 3 Hazard Analyses

For FY11, 17 hazmat proposals have been approved for HMEP funding, including 5 regional projects. The regional projects include a 7 county commodity flow study surrounding the Kansas City Metro area, a 13 county hazard analysis in the North Central region, a regional hazmat technician training in the Kansas City Metro area, and 3 regional hazmat exercises in the South East region. A total of 32 counties are expected to benefit from these regional projects.

The effectiveness of the HMEP program depends on how limited resources are used towards building a comprehensive plan to address the unique challenges of response to hazmat transportation and implementation of the Emergency Planning and Community Right-to-Know Act (EPCRA) towards safely and efficiently handling hazardous materials accidents and incidents.

www.phmsa.dot.gov



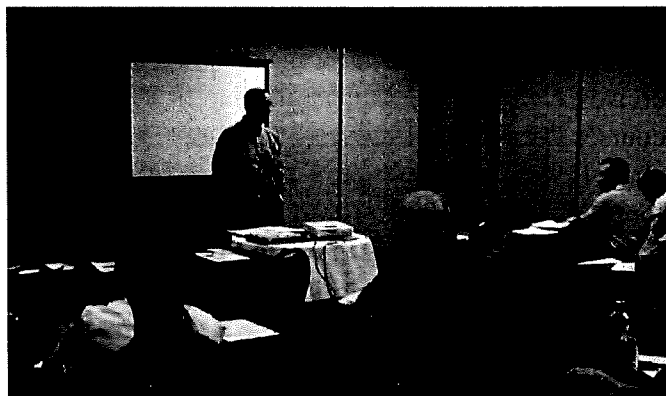
2010 Human Services in Disaster Summit

By: Devan Tucking-Strickler, KDEM Human Services Officer

The Kansas Division of Emergency Management hosted the Kansas Human Services in Disaster Summit in partnership with Kansas Citizen Corps and Kansas Voluntary Organizations Active in Disaster on July 15th and 16th. This summit reaches out to voluntary organizations active in disaster, volunteers, and human service professionals to increase knowledge and training in the field of disaster human services to foster partnership and learning. This year the summit brought together more than 120 partners from voluntary agencies and organizations, local, state, and federal government enhancing human services disaster response in the state.

The theme of this year's summit was putting the pieces together with the goal to demonstrate to participants that each and every role they play is an essential piece to the puzzle. A key piece of the summit was developing strong leadership and communication to increase the strength of human services response. This summit was designed to instill important information and training regarding leading agencies in disaster human services, establishing and managing a strong group of volunteers, and on valuable tools of the trade providing information about resources available to assist individuals working in disaster human services. "Our first priority following a disastrous event is to establish some sort of normalcy as quick as possible. A successful coordinated effort is a must. This conference is a wonderful opportunity for us to train together, establish pre-disaster relationships, and build strong united teams. In turn, we are all better prepared to respond to those individuals whose lives have been turned upside down," commented Angee Morgan, Deputy Director, Kansas Division of Emergency Management.

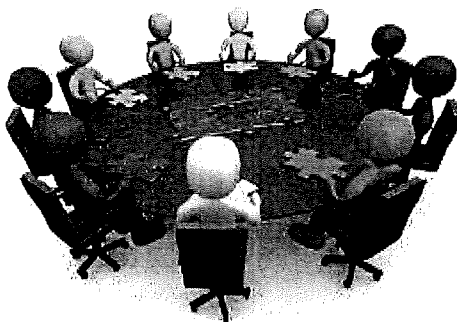
One new program introduced to summit participants was the Kansas Vulnerable Needs Planning System. The State of Kansas "Vulnerable Needs Registry" is a trilateral effort to collect information on vulnerable needs populations, volunteers capable



Breakout session "Finding the Money: Grant Writing Advice for Nonprofit and Voluntary Agencies." Photo courtesy of Adjutant General's Public Affairs Office.

of providing assistance to vulnerable needs citizens, and facilities providing services to citizens of vulnerable needs. This registration website allows residents with special needs, volunteers, and facilities serving vulnerable populations an opportunity to provide information to emergency response agencies so those agencies can better plan to serve them in a disaster or other emergencies. "The Kansas Vulnerable Needs Planning System Demo Session resulted in a collaboration of partners that assisted in improving the program as a planning tool for Kansas," Nancy Lamb, Planner and coordinator of the Kansas Vulnerable Needs Planning System with the Kansas Division of Emergency Management said. Marcie Roth, Director of the Office of Disability Integration and Coordination, also reiterated the importance of this type of planning during a general session discussing Functional Needs Support Sheltering.

The New Madrid Seismic Zone was also an area of focus at this year's summit. The New Madrid Seismic Zone (NMSZ) is the most active seismic area in the United States east of the Rocky Mountains, and could represent the "Katrina" of the Midwest. The session presented participants with an overview of the NMSZ and the risks it poses, as well as discussion on current planning efforts to address this sleeping giant and how adjacent states, such as Kansas, will be impacted.



Citizen Corp Program

By: Devan Tucking-Strickler, KDEM Human Services Officer

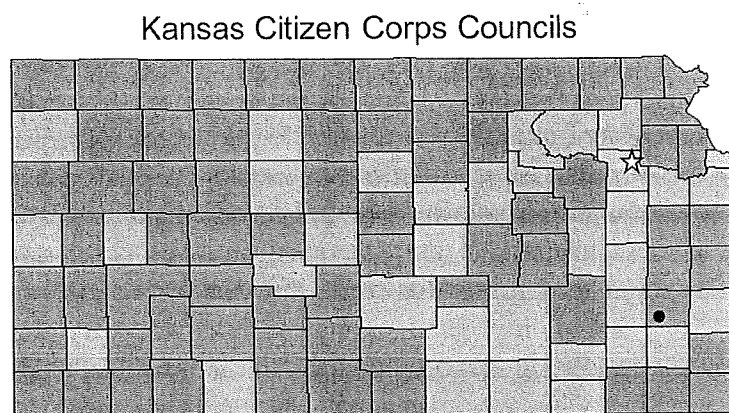


Following the events that occurred on September 11, 2001 that touched the entire country, state and local government officials have increased opportunities for citizens to become an integral part of protecting the homeland and supporting the local first responders. Officials agree that the formula for ensuring a more secure and safer homeland consists of preparedness, training, and citizen involvement in supporting first responders. In January 2002, the President of the United States launched USA Freedom Corps, an initiative that includes Citizen Corps, to capture the spirit of service that emerged throughout our communities following the terrorist attacks.

The Kansas Division of Emergency Management (KDEM) manages the Kansas Citizen Corps Program which has been awarded DHS/FEMA State Homeland Security funds since FFY 2002 to further the readiness of counties against all hazards, including terrorism. "I see Citizen Corps as an investment in our public," commented Angie Casteel, Dickinson County Community Emergency Response Team Coordinator. "We're not only training people to take care of themselves in the event of a crisis, but a segment of those trained take it that one step further into public service. We have people available to help with traffic control for parades, fairs and such which frees up our police departments. Those who are able and willing to do more have helped educate and execute a local drive through clinic which served not only as a convenience to the public but as preparation for readiness in the event of the need for mass inoculations," Casteel further noted regarding the Dickinson County Community Emergency Response Team.

The Kansas Citizen Corps program is made up of 43 Citizen Corps Councils in the state including Medical Reserve Corps (MRC), Neighborhood Watch, Volunteers in Police Service (VIPS), Fire Corps, and Community Emergency Response Team Programs (CERT). The State of Kansas Division of Emergency Management has a strong goal, now more than ever, to really take hold of the Citizen Corps Program goal to reach out to its citizens and educate them on how to increase their awareness and preparedness to face and be survivors of both natural and manmade disasters.

The mission of Citizen Corps is to harness the power of every individual through education, training, and volunteer service to make communities safer, stronger, and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds. Through this outreach and increased emphasis the Kansas Citizen Corps program is working to increase the preparedness of Kansas households and preparedness of the entire state.



Jurisdiction Key:

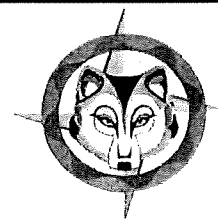
Statewide Countywide Local Tribal

Furthering its mission in 2010, the Kansas Citizen Corps was a partner in the Kansas Human Services in Disaster Summit reaching out to voluntary organizations active in disaster, volunteers, and human service professionals to increase knowledge and training in the field of disaster human services. Kansas Citizen Corps is also active in preparedness outreach campaigns in the state during Severe Weather Awareness Week, the Kansas State Fair, and Kansas Preparedness Day. By teaching citizens of the state about disaster preparedness Citizen Corps is able to make great bounds in achieving its mission to make communities safer, stronger, and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds.

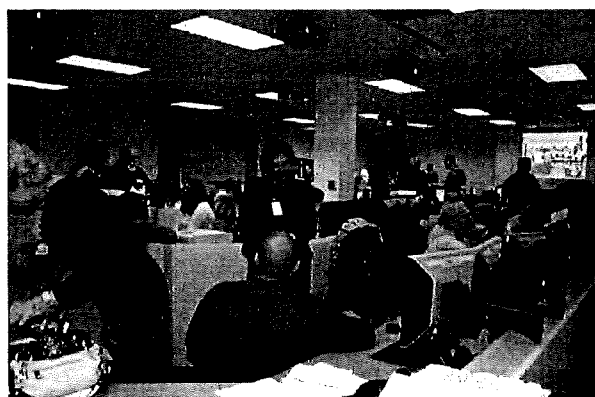


Wolf Creek Ingestion Pathway Exercise

By: L'Tanya Christenberry, KDEM Nuclear Fees Administrator



You can drill and exercise every year and yet still manage to learn something new. Everyone who participated in the ingestion pathway exercise held on November 3 - 4, 2010 definitely learned a great deal. Ingestion pathway exercises occur once every three years so there was a lot of familiarization with plans and procedures for everyone who participated. The exercise was also unique in the fact that there were many "firsts" that occurred. It was the first time our federal partners were involved in a non-evaluated exercise in Kansas on a large scale, it was the first time most of the planning and scenario development was done by state and local planners, and it was the first time several ingestion pathway counties and certain state agencies played.



Members of the SEOC team discuss potential needs and requests of the local communities affected by the exercise scenario.

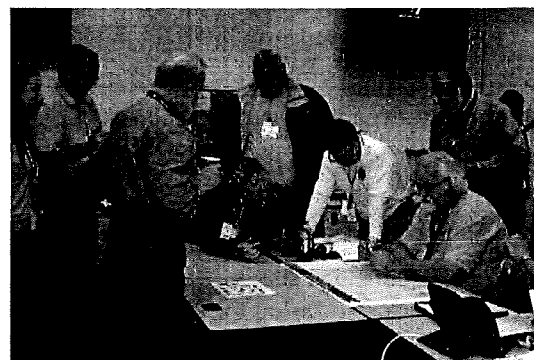
On November 3rd, exercise activities took place at Forbes Field, Topeka and included KDHE Radiation Control Program staff, KDHE Laboratories, EPA Mobile Laboratories, U.S. DOE-FRMAC, U.S. DOE-RAP, and U.S. EPA personnel from Region 7 and Las Vegas. Activities were designed to test the joint (federal/state) Field Monitoring Teams and to see how well the teams could be dispatched, controlled, communicate, and coordinate their sampling/monitoring points. It was a rare opportunity to have the EPA Mobile Laboratories set up near the KDHE Radiochemistry laboratory and observe how the two labs integrated sample receipts and analysis processes.

FRMAC showcased new technologies being used by field teams to send in data from the field and they demonstrated their deployable RadNets which are monitoring stations that regularly collect air, precipitation, drinking water, and milk samples for analysis of radioactivity. This exclusive close-up look was a rare opportunity.

On November 4, the State Emergency Operations Center (SEOC) was activated and staffed with our ESF partners. Coffey County activated their EOC as did Franklin County (co-located were Lyon and Osage Counties) and Anderson County (co-located were Allen and Woodson Counties). This was the first time the ingestion pathway counties played a major part in a Wolf Creek exercise. The exercise was very beneficial to the counties who normally don't participate in a Wolf Creek exercise. They identified potential planning areas, the resources they might need in an actual event, and what types of decisions they must make to protect their citizens.

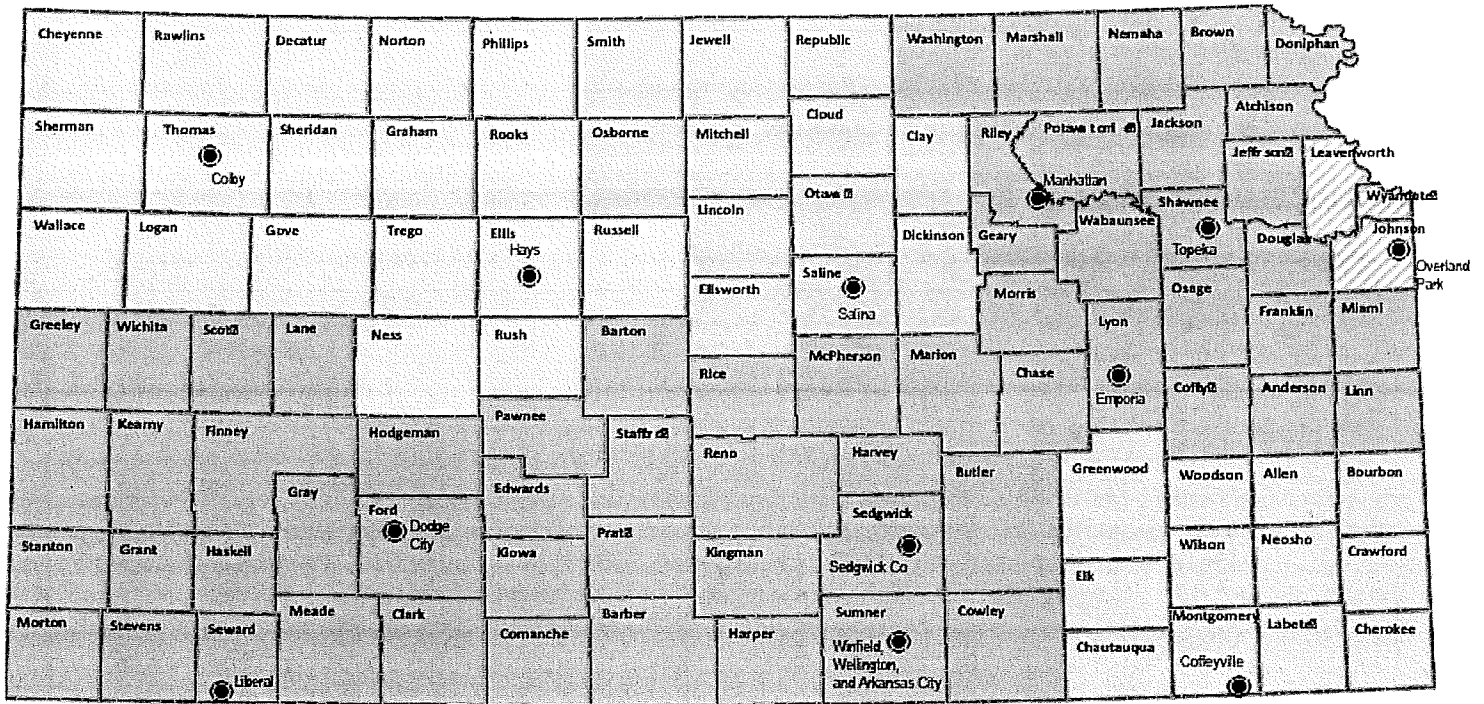
One of the objectives of the exercise was to test the communications--not only between the SEOC and county EOCs, but also for the counties to test the communications between each other. This was an area that was identified in the after action report that still needs some work. Other objectives included testing the activation of County Emergency Operations Centers (EOCs), coordination and communication between FRMAC and the State Emergency Operations Center, and the interactions between the SEOC Policy Group and the counties.

Overall, the exercise met its objectives and provided a chance for federal, state and local agencies to interact on all levels. It was a great opportunity to test current plans and procedures and identify areas for an improved response.

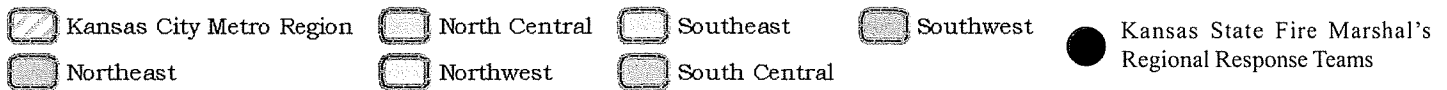


State and federal participants worked jointly to make protective action recommendations.

Homeland Security Regions and Response Teams



Homeland Security Regions



Kansas Emergency Management Regional Coordinators

Northwest Region: Toby Prine
Hays, KS
(785) 625-3749
toby.prine@us.army.mil

Southwest Region: Cathy Hernandez
Dodge City, KS
(620) 338-8726

North Central Region: Dennis Colsden
Salina, KS
(785) 820-2869
dennis.colsden@us.army.mil

South Central Region: Jim Leftwich
Wichita, KS
(316) 691-8044
james.t.leftwich@us.army.mil

Northeast Region: Bill Brubaker
Topeka, KS
(785) 274-1493
bill.c.brubaker@us.army.mil

Southeast Region: Jackie Miller
Emporia, KS
(620) 342-0537
jacquelyn.s.miller@us.army.mil

KC Metro Region: Keith Yoder
Olathe, KS
(913) 768-6017
keith.yoder@us.army.mil

CONTACT INFORMATION

Commission on Emergency Planning and Response
2800 SW Topeka Blvd.
Topeka, KS 66611
(785) 274-1409
www.kansastag.ks.gov

Kansas Adjutant General's Department
2800 SW Topeka Blvd.
Topeka, KS 66611
(785) 274-1001
www.kansastag.ks.gov

Kansas Department of Agriculture
109 SW 9th Avenue
Topeka, KS 66612
(785) 296-3556
www.ksda.gov

Kansas Division of Emergency Management
2800 SW Topeka Blvd.
Topeka, KS 66611
(785) 274-1409
www.kansastag.ks.gov

Kansas State Fire Marshal
700 SW Jackson St., Suite 600
Topeka, KS 66603
(785) 296-3401
www.ksfm.ks.gov

Kansas Department of Health and Environment
1000 SW Jackson
Topeka, KS 66612
(785) 296-1500
www.kdheks.gov

Kansas Animal Health Department
708 SW Jackson
Topeka, KS 66603
(785) 296-2326
www.kansas.gov/kahd

Kansas Highway Patrol
122 SW 7th
Topeka, KS 66603
(785) 296-6800
www.kansashighwaypatrol.org

Kansas Department of Wildlife and Parks
1020 S. Kansas, Room 200
Topeka, KS 66612
(785) 296-2281
www.kdwp.state.ks.us

Kansas Department of Transportation
700 SW Harrison St.
Topeka, KS 66603
(785) 296-3566
www.ksdot.org

Kansas Department of Commerce
1000 SW Jackson, Suite 100
Topeka, KS 66612
(785) 296-3481
www.kansascommerce.com

Kansas Bureau of Investigation
1620 SW Tyler St.
Topeka, KS 66612
(785) 296-8200
www.kansas.gov/kbi



"PROGRESS THROUGH UNITY"

KANSAS STATE COUNCIL OF FIRE FIGHTERS



Affiliated With

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS • KANSAS AFL-CIO • CENTRAL LABOR BODIES

Testimony by Dennis Phillips

I, appear here today on behalf of the Kansas State Council of Fire Fighters (KSCFF) in opposition to S.B. 220. The Kansas State Fire Marshal office has been a vital part of the Fire Service in Kansas for over 100 years. Many rural fire departments depend on the services of the Fire Marshal office to carry out their mission to the citizens they serve.

If S.B, 220 would pass the KSCFF feel it would make the process for requesting assistance from the Fire Marshals office a lot more difficult. If a fire department or citizen needs help today they have one agency to contact not 2 or 3. These requests can be time sensitive and need to be acted upon as soon as possible.

Just as the Police Department in Kansas have the KBI and Highway Patrol to request help from the Firefighters in Kansas need the Kansas State Fire Marshal Office. So in closing I would ask you to oppose S.B.220. Again, I thank you for your consideration on the matter.

Dennis Phillips
Lobbyist KSCFF

(11)

**Written Testimony of
Robert W. McLemore, President, Kansas State Association of Fire Chiefs
Presented to the Senate Federal and State Affairs Committee
SB 220
March 15, 2011**

The Kansas State Association of Fire Chiefs (KSAFC) submits this written testimony today in **opposition** of **SB 220** relating to the abolishment of the Office of the State Fire Marshal and transferring the duties to the Division of Facilities Management, the Kansas Bureau of Investigation, and the Division of Emergency Management.

The Kansas Fire Service is 600-plus departments large and small across the state, providing protection to all our citizens and visitors. We look to the Fire Marshal's Office as our representation at the state level. Each fire department is an integrated system that provides many services that must have the ability to interact with each other at an intimate level. This is also true with our communications at the state level. Abolishing the Fire Marshal's Office would leave Kansas fire departments orphaned and without a needed intermediary at the state level.

Dismantling the Fire Marshal's Office into smaller entities and placing them into various unrelated agencies will make it more difficult for communications and interaction from a local level to state level, especially when two or more state agencies need to be involved as outlined in this bill.

During my 25 years in the fire service, I have had the need to interface with different state agencies in a coordinated effort to resolve various incidents both emergency and non-emergency. I am sorry to say that this is not always an easy task. Communication and coordination between various agencies is not always efficient and forthcoming. I don't think this is due to any animosity but most likely the bureaucracy endemic to government agencies, differences in missions and sometimes personalities.

The fire service is typically responsible for the following: fire suppression, fire investigation, fire prevention, fire safety inspections, fire safety education, hazardous materials response, vehicle extrication, and rescue. A few departments are large enough to provide all these services plus more, but the majority of local fire departments rely on the Kansas State Fire Marshal's Office to coordinate hazardous materials response, provide fire safety inspections, or conduct fire scene investigations.

The Fire Marshal's Office is a fee-funded agency; therefore, it is not using state general fund dollars to operate. I have not seen a fiscal note on this bill but would think it would be hard to reduce operating costs by spreading the Fire Marshal's functions around to other agencies.

Summarizing:

- The Fire Marshal's Office provides a vital service to fire departments and communities at the local level.
- The office is also a conduit for information flow to and from the state/national level.
- Abolishing the office and moving its parts to other agencies will make timely communications more difficult.
- Dismantling the office will leave an entire sector of public safety orphaned and without state representation.
- Cost savings are questionable.

Thank you for your consideration.

Respectfully,

Robert McLemore, Chief
Colby Fire Department

Senate Standing Committee on Federal and State Affairs

Testimony on SB 220

Kevin Flory 1st Vice President

Kansas State Firefighters Association

I would like to speak today in opposition to SB 220. Last year our organization also opposed efforts to place the Kansas State Fire Marshal office under another agency. We as a board must support the wishes of our membership even in cases where this may not be the most popular position. We do understand that their needs to be oversight for this office, but splitting of the agency is not the answer. The fire service needs a place to go for its resources in a one stop shop. Fire education, prevention, investigation, reporting, hazardous material responses and training are all vital resources. Many communities in Kansas do not have the funding or personnel to provide these services and rely heavily on the Fire Marshal's Office to provide these activities. Splitting of the services that this agency provides is only making it more difficult for those departments that need the help to obtain the help. Smaller departments would be forced to contact three separate agencies to receive help with one incident potentially. While we oppose this bill, we would be supportive of keeping the agency intact under another department if needed. We just ask that if at all possible, the Kansas State Fire Marshal Office be preserved intact as one group so the fire service of the state will still have a one stop shop for its needs. Thank you for your consideration.



Kansas Bureau of Investigation

Robert E. Blecha
Director

Derek Schmidt
Attorney General

**Testimony Regarding SB 220
Before the Senate Committee on Federal and State Affairs
David Hutchings, Special Agent in Charge
Kansas Bureau of Investigation
March 15, 2011**

Chairman Brungardt and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation (KBI) providing neutral testimony with regard to SB 220.

The KBI is supportive of whatever decision the legislature makes with regard to the future of the Office of the Kansas State Fire Marshal (KSFM). We commend the drafter of the bill for placing investigators with the KBI, the state's investigatory agency. The KBI is committed to cooperating with, and providing needed support to, local public safety agencies, and the services provided by the investigators of the KSFM complement our present services well. Indeed, our agents have often worked side by side with KSFM Investigators and have the utmost respect for them.

The present language within SB 220 provides that the investigation contingent of the KSFM would be transferred to the KBI along with 21% of the "fire prevention fee fund." In reviewing the bill, the KBI found the following issues.

Upon reviewing the costs of the present salary and benefits for each position intended to be transferred and adding the average cost for the operating expenses of a KBI agent, it is estimated that the KBI would see a \$205,867.24 shortfall in funding. Relying on figures provided by the KSFM, the Kansas Division of Emergency Management (KDEM) would receive a windfall of more than \$650,000 beyond what the KSFM presently funds for the duties transferred to that agency.

It would be problematic to transfer the KSFM investigators to the KBI at their present classification. We would, if you will, prefer to accept them into the fold as KBI agents. This would require moving their classification from a range 28 to a range 30 on the state's salary range plan. To do this would require approximately \$24,500 if done in such a manner as to not decrease any individual's present salary, yet pay everyone at least the minimum salary of a new KBI agent. Alternatively, the KBI would also be willing the move each position to the new range at its present step, but this would require \$48,759.51 of additional funding.

For these reasons, the KBI would request consideration for what we hope will be perceived as friendly amendments to SB 220:

1. We would ask that the share of the fee fund to be transferred to the KBI be amended from 21% to 27%. This would prevent the KBI from experiencing the equivalent of a further cut to its budget.
2. We would ask that KSFM investigators be transferred to the KBI at a range 30 and be classified as agents, and that we be given guidance as to whether to attempt to retain their present step.

Thank you for your time and consideration. I would be happy to answer your questions.



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

Senate Federal and State Affairs Committee

Neutral Testimony regarding SB 220
Assistant Attorney General Kyle Smith
March 14, 2011

Chairman Brungardt and members of the committee, thank you for allowing me to provide testimony on behalf of Attorney General Derek Schmidt regarding SB 220.

Attorney General Schmidt well understands the difficulties you face in the current fiscal situation. Continuing vital functions of government in a time of diminished resources is difficult for all state agencies. If the legislature concludes that SB 220 and the reassignment of the duties of the state fire marshal's office to other state agencies will allow financially assist, while maintaining service, the attorney general's office is willing to assist.

We do have one concern, which is also being raised by the KBI, a division of the attorney general's office, and that is that this not be an unfunded mandate and the important responsibilities of the fire marshal's office be continued.

Specifically, there has been an assistant attorney general assigned full time to the fire marshal's office to assist with investigations, search warrants, rules and regulations, prosecution etc. SB 220 does not seem to address this position. Since most of these legal duties involve the arson investigations and will transfer to the KBI that might an appropriate place for the position, and the funding, to follow. Or the committee could just return the position, and the funding, to the attorney general's office and the person could be assigned to the KBI. Based on the pay for the last assistant attorney general to hold this position we estimate the salary to be about \$67,000, and benefits would bring it to \$82,000, which should logically come out of the fire prevention fund, as it has in the past.

On behalf of Attorney General Schmidt, I thank you for your consideration. I would be happy to try and answer any questions.