

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2982

As Amended by House Committee on
Federal and State Affairs

Brief*

HB 2982 would create the Kansas Intrastate Emergency Mutual Aid Act. The bill would provide for a standardized system for mutual assistance among the participating political subdivisions, in the prevention of, response to, and recovery from, any disaster that results in a formal state of emergency. The Division of Emergency Management in the Adjutant General's Office would be required to develop comprehensive guidelines and procedures for implementation of the Act.

All political subdivisions in Kansas would be part of the Act but would have the option to opt out of the Act by resolution at any time. Preexisting, supplemental or subsequent agreements between a participating subdivision and another subdivision would not be prohibited.

A participating subdivision would be responsible for:

- Identifying potential hazards;
- Conducting joint planning, intelligence sharing and threat assessment development, and joint training;
- Identifying and inventorying current services, equipment, supplies, personnel and other resources; and
- Adopting, training on and operating the National Incident Management System (NIMS).

A participating subdivision chief executive officer or designee would be able to verbally or in writing request assistance to prevent, mitigate, respond to or recover from disasters resulting from a locally-

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

declared emergency or in concert with authorized drills or exercises. A written request for assistance would be required to be filed with the Division of Emergency Management in the Adjutant General's Office as soon as practical.

A participating subdivision's obligation to provide assistance would be subject to:

- A participating subdivision requesting assistance has declared a state of emergency or authorized drills and exercises;
- A responding participating political subdivision would be able to withhold resources to the extent necessary to provide reasonable protection and services for its own jurisdiction; and
- Emergency responders, assets and equipment would be subject to the command and control of their responding jurisdiction but would be under the operational control of the participating political subdivision receiving assistance.

The bill is silent as to provisions for reimbursement to the participating political subdivision rendering assistance under the bill.

Personnel of a participating political subdivision who are injured or die rendering assistance pursuant to this Act would be entitled to all applicable benefits available to personnel while performing their duties for their employer. The bill would provide immunity to any individual or participating political subdivision responding to a state of emergency pursuant to this Act who causes death, injury to persons or damage to property. The immunity would not extend to cases of willful misconduct, gross negligence or bad faith.

Background

On December 17, 2003, the President issued Homeland Security Presidential Directive 8. A goal of the Directive was to implement the NIMS as the standardized emergency management response system to deal with all aspects of Homeland Security. With Executive Order 05-03, Governor Sebelius adopted NIMS as the state standard for incident management.

One of the goals of NIMS is the use of mutual aid compacts and agreements to expedite the sharing of assistance during a disaster or

emergency. The National Emergency Management Association developed a model intrastate mutual aid agreement. According to the Adjutant General's Office, the bill is a modification of the model agreement.

The House Committee amended the bill to strike the requirement that joint training be conducted at least biannually. The bill would require joint training to be conducted. The bill also was amended to strike the reimbursement provision of the bill. The amendments were requested by several of the proponents of the bill.

The proponents of the bill who testified at the Committee hearing include representatives from the Adjutant General's Office, the Kansas Association of Counties, the Kansas Association of Local Health Departments, the Fire Chief of Sedgwick County, the Kansas Emergency Management Association and the Sedgwick County Department of Emergency Management.

There were no opponents of the bill who testified at the Committee hearing.

There was no fiscal note on the bill from the Division of Budget.