

## **MINUTES**

### **DISASTER RELIEF AND RECOVERY SPECIAL COMMITTEE**

December 19, 2007  
Room 123-S—Statehouse

#### **Members Present**

Representative Lee Tafanelli, Chairperson  
Senator Ruth Teichman, Vice-Chairperson  
Representative Louis Ruiz, Ranking Minority Member  
Senator Janis Lee (Morning only)  
Senator Roger Pine  
Senator Derek Schmidt (Afternoon only)  
Representative Richard Carlson  
Representative John Faber  
Representative Dennis McKinney

#### **Staff Present**

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

#### **Conferees**

Major General Tod M. Bunting, Kansas Adjutant General  
Dave Holthaus, Kansas Electric Cooperatives  
Stuart Lowry, Kansas Electric Cooperatives  
Steve Owens, Westar

#### **Others Attending**

See attached list.

## Morning Session

Chairperson Lee Tafanelli called the Committee meeting to order at 10:10 a.m. for the purpose of finalizing conclusions and recommendations of the Committee to be presented to the Legislature.

Chairperson Tafanelli said since the previous meeting of the Committee, Kansas has experienced its fourth major disaster in 2007, an ice storm across the state. All 105 counties were declared a disaster area. He requested an update on the storm and relief and recovery efforts.

Major General Tod M. Bunting, Kansas Adjutant General, reported that Westar, the Kansas Electric Cooperatives, and the people of Kansas did a phenomenal job on the return of electricity to Kansas residents. For the first time during a disaster, a representative from Westar worked in the Emergency Management Office Command Center and an Adjutant General representative worked in the Westar command center. General Bunting reviewed charts showing where people were still without power in Kansas. He reviewed a snapshot of all emergency measures taken prior to December 19 for the storm and noted that the measures required are winding down. All equipment, specifically several generators, from the Federal Emergency Management Agency (FEMA) will stay in the state until after the first of the year; FEMA generators cannot be purchased.

Dave Holthaus, Kansas Electric Cooperatives, said he will provide service area information to each Committee member. During discussion, he said several hundred people across the state took advantage of shelters. Approximately 20 percent of these people utilized the shelters fully, and 80 percent used the shelters only for meals and short-term warming.

General Bunting said there is no public assistance available for businesses at this time. Direct federal assistance is the only assistance available at the present time. Public assistance eligibility will be determined later, hopefully within the next few days. He will let Representative Carlson know who to contact concerning that assistance. There is no final report ready yet on this latest disaster. There is a report of one loss of life, and perhaps several unconfirmed deaths. There is no report on livestock loss.

General Bunting reviewed the three tiers of State efforts in a disaster:

- Life-saving and public safety;
- Life-sustaining mission; and
- Return to normalcy.

The National Guard has a Scout program which sends people to each county. The General also reported that during this disaster, the agency has improved the involvement of private enterprise. The key is to make sure all cities know they must communicate with the county emergency contact, since the county contact is the entity which the National Guard and FEMA communicates with during an emergency. Chairperson Tafanelli thanked General Bunting for a job well done.

Stuart Lowry, Kansas Electric Cooperatives, introduced Larry Detwiler, Kansas Electric Cooperatives, who was the mutual aid dispatcher during the ice storm. He thanked all the cooperative employees who are working very hard to get people's electricity turned back on. As of the date of the meeting, approximately 7,000 customers still were without electric service. The electric cooperatives' service territory covers 80 percent of the Kansas land mass. The remoteness

of some of their service causes great problems. They have approximately 1,000 extra people from nine states working to return electricity to customers. It could take up to an additional two weeks to get everyone back on power.

This is the third major disaster they have had in 2007. In January, there was \$400 million-\$500 million worth of damage, and it took three weeks to get everyone back on electricity. Greensburg was the second challenge, followed by the December ice storm. During discussion, Mr. Lowry said they re-check with counties along the way. They are in contact with electric cooperatives on a daily basis since all damage does not occur at once. Damage occurs from ice on the lines to when the ice is falling off the lines once the temperature warms. Approximately 20 customers were still without power in Leavenworth and Jefferson Counties. In Stafford County, about 375 out of 2,400 customers were still without power. The restoration process will take a long time. He commended General Bunting's electric team on its assistance and stated that the Kansas Division of Emergency Management has been extremely good to work with during this recent disaster. The prioritization process focuses on substations that are out first in order to insure power to hospitals and shelters. Chairperson Tapanelli said he appreciated all the cooperatives hard work.

Steve Owens, Westar, reviewed Westar's response to the storm. The company has brought in 1,254 tree trimmers from 22 states; brought in 2,003 linemen from 22 other states; and has 1,043 company employees working exclusively on the storm damage. The size of the storm has made the task of getting power back on difficult. Westar's command center is in Topeka. The company has mutual aid agreements with other utilities, but this storm hit all involved, so mutual aid could not be utilized from neighboring states. Massive amounts of food and lodging, public information, and materials were needed during this disaster, and the National Guard has been good to work with during this recent experience, he said.

Mr. Owens presented the following statistics concerning the latest storm damage:

- 1,733 poles down;
- 1,169 fuses out;
- 1,124 transformers need to be replaced; and
- 7,500 services down.

The number one priority is transmission substations, followed by major circuits, tap circuits, then individual transformers. They place emphasis on lines that serve cooperative feeds. Employee safety is their utmost concern. The end of the storm is the hardest time for safety, since crews are tired and want to get back home. Mr. Owens said he appreciates legislative and media support. The out-of-state teams comment on how good Kansas citizens are to them.

During discussion, he said they have experienced theft of copper wire, and explained why taking copper wire from the poles is a dangerous thing to do. The company has experienced theft in a number of locations. A preliminary damage amount should be available by the end of next week. Chairperson Tapanelli commended Westar on the fine work the company is doing.

State Emergency Operations Center information for December 14 and December 17 was presented to the Committee (Attachments 1 and 2).

Chairperson Tapanelli requested staff to include information on the December ice storm in the final Committee report.

Kathie Sparks, Kansas Legislative Research Department, distributed the following information to the Committee:

- Preliminary draft report on Committee conclusions and recommendations (Attachment 3);
- Summary of Praise, Problems, and Suggestions on Disaster Relief and Recovery (Attachment 4);
- Bill draft concerning school districts (Attachment 5);
- E-mail to Representative McKinney from Jeanette Siemens (Attachment 6);
- Memorandum from Daryl Buchholz to Sue Peterson, KSU (Attachment 7); and
- Memorandum from Charlie Griffin to Sue Peterson, KSU (Attachment 8).

Representative Faber suggested guidelines should be put in place so trees cannot be planted in easements or right-of-way areas of utility poles.

Chairperson Tafanelli said the Committee will give recommendations to standing legislative committees so that the standing committees can introduce the appropriate legislation. He said this Committee should look at long-term policies to deal with disasters, as well as immediate policies.

After extensive Committee discussion on finalizing a Committee Report, Ms. Sparks said she would have an updated document for consideration during the afternoon session.

*Representative Ruiz made a motion to approve the November 13 Committee meeting minutes, as mailed. Senator Lee seconded the motion and the motion carried.*

The Committee recessed from 12:05 to 1:43 p.m.

### **Afternoon Session**

Ms. Sparks presented an updated Conclusions and Recommendations document for Committee consideration (Attachment 9). The Committee reviewed and made the following suggested changes to this document:

(D) A housing program should be available in disaster areas to provide funding for qualified projects, including for infrastructure development, housing loan guarantees, affordable housing, and senior housing projects.

A brief description of HB 2800 will be added.

Add: The Committee supports funding for training of local emergency managers.

(M) The Committee recommends that the Kansas Division of Emergency Management work with the Kansas League of Municipalities and the Kansas Association of

Counties to help local units of government update emergency plans annually. In addition, the Division should provide information on who to contact during an emergency.

(N) The Committee recommends that, in the new state financial system, a component be included that will provide accurate and uniform cost accounting information with regard to disaster expenditures by all state agencies.

(O) The Committee recommends that additional staff be funded for the Kansas Division of Emergency Management. The four Presidential Declared Disasters that occurred in Kansas during 2007 clearly showed the need for additional staffing. The Division has considerably lower staffing levels than do similar organizations in other states.

(P) The Committee is concerned about interoperability and requests that the Interoperability Study Group provide its recommendations to the 2008 Legislature. At a minimum, the Committee believes that each county government should have at least one vehicle equipped with 800 MHz radio capabilities. The counties could access funding for the radio through the U.S. Department of Homeland Security Grant at the Kansas Highway Patrol. Interoperability problems during the tornadoes and flooding were a major concern of state agencies and county and local units of government during and immediately following the disasters.

(R) The Committee recommends that the Kansas Division of Emergency Management develop a resource type guidebook for local units of government, including township officials, that is user friendly.

(S) The Committee recommends that the Kansas Division of Emergency Management seek greater involvement from the private sector and educational institutions, especially the land grant institutions, throughout all phases of a disaster; planning, response, recovery, and mitigation in developing strategies.

(T) The Committee recommends a concurrent resolution that requests that FEMA and the U.S. Department of Labor allow greater flexibility to offices at the disaster site or in regional offices to allow response programs to fit the needs of the affected communities.

In addition, the Committee agreed to add the following to the Committee report:

- The Committee strongly encourages the State of Kansas to maximize the federal disaster mitigation funds.
- The Committee supports the Legislative Educational Planning Committee legislation to stabilize K-12 school funding when a disaster has occurred.
- The Committee requests that the Commission on Emergency Planning and Response conduct a comprehensive, functional review of the functions, powers, and duties and an assessment of the recent disasters, and prepare a final report to the 2009 Legislature including recommendations for mitigation (prevention and risk reduction), preparedness (planning, training, and exercising), response, and recovery (clean up; rebuilding lives, property, and infrastructure) for future disasters.

- The Committee strongly recommends that the State develop a standardized identification system that allows all appropriate city and county employees entry into a restricted access disaster area. The Committee suggests that the cities and counties work with the Division of Vehicles for storage of the data base of the identification cards that can be accessed.
- The Committee recommends that the State Board of Education require that all school buildings be reviewed by the local boards for tornado safety. In addition, the State Board of Education should prepare a list of all buildings that may need to address additional tornado safety concerns. The Committee makes the same recommendations for the Kansas Department of Health and Environment for all hospitals in Kansas.
- The Committee believes that there needs to be greater coordination between local, state and federal agencies, and any non-governmental agencies and volunteers. The coordination should improve the disaster site personnel access to volunteer services and resources.
- The Committee recommends that the Department of Revenue review its current property evaluation data back-up system, frequency of data updates and ease of access to the information in a county format during a disaster. The Department is requested to provide a report to the 2009 Legislature including recommendations for improvements to the system.
- The Committee believes the Legislature should consider an individual assistance program when a state declaration of disaster is made but when the disaster does not qualify for a federal declaration.
- The Committee recommends continuation of the Committee because the issues that the Committee dealt with require continued study.
- The Committee acknowledges the working group of the League of Kansas Municipalities and the Kansas Association of Counties that met on October 23, 2007, ([Attachment 10](#)) and discussed the following issues and made the following recommendations:

**Issues:**

- Reduction in Tax Base. Because so many structures were damaged or destroyed in 2007, the resulting loss of tax base will be reflected in a loss of tax revenue to local government units.
- Loss of Utility Revenue. Both municipally operated utilities and public utilities franchised by cities will see a decrease in revenue due to services interrupted by the natural disasters.
- FEMA Funds Delay. Local governments are having to deliver services before the FEMA funds begin to come in, which causes serious cash flow issues.

- Insurance Coverage. Some units of government have found themselves under-insured for the magnitude of the disasters, causing problems with replacing government buildings and equipment.
- Statutory Constraints and Impediments to Recovery. Many statutes may impede local government recovery efforts or be difficult to comply with in the aftermath of disasters. These are only a few:
  - No-Fund Warrants
  - Kansas Open Meetings Act
  - Insurance Proceeds Lien
  - Fairness in Public Construction Act
  - Bonded Indebtedness Limitations

### **Recommendations**

- State Budgetary Assistance. Because of the extreme losses of revenue, local units of government must be made whole or nearly whole for some period of time to ensure recovery after a disaster. The reality is that all of the communities hit by these disasters have greater services to provide and less money to provide those services.
- State Revolving Fund Loan and Grant Program. The principle amount for a disaster revolving fund loan program could come from a surcharge on residential property insurance policies. This would create a fund that was sustainable for the long-term insurance policies.
- Eminent Domain in Disaster Areas. This authority would be used by a municipality for acquiring property damaged or destroyed by a natural disaster in an area that has been declared a disaster by the Governor to assist the rebuilding of the community.
- Suspension of the Operation of Statutes. Research needs to be done to determine what statutes impede or prohibit recovery activities and impact decision-making in the aftermath of natural disasters. For a short time, the operation of those statutes could be suspended.
- Creating Possibilities and Incentives for Consolidation and Cooperation. Opportunities for efficiencies exist after a disaster, and statutory authority and incentives should be provided to encourage some consolidation of governmental units and their functions.
- Blue Ribbon Panel to Study the Issues Thoroughly. Because of the short time frame to discuss and present these recommendations, it is recommended that a blue ribbon panel consisting of a wide range of government, business, and citizen representatives be appointed to study issues raised in the aftermath of the 2007 natural disasters and to look towards developing strategies for the future.

Ms. Sparks will send a copy of the Committee conclusions and recommendations to Committee members for their review. If anyone wants changes in the report, those changes are to be given to her by noon on January 2, 2008.

Representative McKinney introduced Dr. Glen Fisher, Wichita State University professor, as a Committee guest.

Artist Don Lambert presented two large photographs taken by Larry Schwarm of destruction caused by the Greensburg tornado. Mr. Schwarm is originally from Greensburg. The photos will hang in the Capitol during the 2008 Legislative Session.

Chairperson Tapanelli thanked staff for their work and dedication, and also thanked Committee members for their perseverance in completing the Committee's work. He thanked Senator Teichman, Vice-Chairperson, and Representative Ruiz, Ranking Minority Member, for their assistance.

Senator Teichman and Representative Ruiz joined in thanking Chairperson Tapanelli on his handling of the task successfully. Senator Pine said it was most helpful to have Committee members who personally were in the middle of the disasters.

There being no further business, the Committee adjourned at 3:40 p.m.

Prepared by Judy Swanson  
Edited by Kathie Sparks

Approved by Committee on:

January 9, 2008

(date)