

HOUSE BILL No. 2468

By Committee on Appropriations

3-22

1 AN ACT concerning state of disaster emergencies; requiring the adjutant
2 general to appoint an incident commander for weather-related disasters;
3 establishing coordinating duties of the division of emergency
4 management; establishing the disaster contingency fund for use by the
5 state finance council to match federal grants and funds to respond to
6 such weather-related disaster; amending K.S.A. 48-928 and K.S.A.
7 2022 Supp. 48-924 and repealing the existing sections.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) Notwithstanding the provisions of any other
11 statute to the contrary, if a state of disaster emergency related to a threat of
12 an imminent weather-related disaster emergency is declared by the
13 governor pursuant to K.S.A. 48-924, and amendments thereto, within 24
14 hours after such proclamation, the adjutant general, in addition to the
15 powers and duties established in K.S.A. 48-907, and amendments thereto,
16 shall appoint an incident commander, as such position is identified by the
17 federal emergency management agency, from the persons who head the
18 responsible agencies as identified in K.S.A. 48-929(c), and amendments
19 thereto, hereinafter referred to as county emergency managers, in the
20 counties affected by the proclamation for the purposes of leading the
21 emergency management efforts for such emergency.

22 (b) The incident commander shall coordinate with the division of
23 emergency management to apply for and administer all federal emergency
24 management grants as well as any other state or federal grants or resources
25 related to such emergency.

26 (c) During the state of disaster emergency, all county emergency
27 managers in the affected counties shall make requests for moneys and
28 resources, including, but not limited to, supplies, equipment and materials,
29 to the incident commander. The incident commander shall collaborate with
30 the Kansas division of emergency management to disseminate moneys and
31 resources in the affected counties. The Kansas division of emergency
32 management shall lead and coordinate all state resources, working with the
33 state fire marshal, the Kansas forest service and any other state agency as
34 is necessary to respond to the emergency. Nothing in this section shall
35 prohibit other counties from volunteering to respond to the emergency.

36 (d) After the state of disaster emergency proclamation has terminated,

1 the Kansas division of emergency management shall continue to work with
2 the incident commander to continue to apply for and administer state and
3 federal resources.

4 (e) (1) If requested by the incident commander or any county
5 emergency manager, the office of recovery in the governor's department,
6 or any other state agency as appointed by the governor if such office no
7 longer exists, shall work with the affected counties to provide workshops,
8 seminars and conferences for the public to:

9 (A) Assist residents in the affected counties with insurance claims;

10 (B) provide information to residents in the affected counties on
11 moneys, resources and benefits available to such residents, including
12 clean-up, repair and donated items.

13 (2) The governor shall ensure that the office of recovery, or any other
14 state agency as appointed by the governor if such office no longer exists,
15 coordinates with other state agencies to provide information and assistance
16 to the residents in the affected counties.

17 (f) This section shall be a part of and supplemental to article 9 of
18 chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

19 New Sec. 2. (a) There is hereby established in the state treasury the
20 disaster contingency fund for the use of the state finance council for the
21 purposes and within the limitations prescribed by this section. On July 1,
22 2023, the director of accounts and reports shall transfer \$10,000,000 from
23 the state general fund to the disaster contingency fund. The moneys in
24 such fund shall be used to match grants of moneys and funds appropriated
25 under any federal act or from any other source to address the disaster
26 declared by the governor pursuant to K.S.A. 48-924, and amendments
27 thereto, meeting the requirements of section 1, and amendments thereto.

28 (b) Upon certification by the director of the budget to the director of
29 accounts and reports that the unencumbered balance in the disaster
30 contingency fund is insufficient to pay an amount that is necessary to
31 finance an action approved by the state finance council pursuant to this
32 section, the director of accounts and reports shall transfer an amount equal
33 to the insufficient amount from the state general fund to the disaster
34 contingency fund. The total of all amounts transferred from the state
35 general fund to the disaster contingency fund pursuant to this subsection
36 during any fiscal year shall not exceed \$10,000,000.

37 (c) No expenditures shall be made from or obligation requested to be
38 incurred against the disaster contingency fund without approval from the
39 state finance council acting on this matter, which is hereby characterized
40 as a matter of legislative delegation and subject to the guidelines
41 prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that
42 such approval also may be given while the legislature is in session.

43 (d) The provisions of this section shall be in addition to any powers

1 and duties of the state finance council concerning the state emergency fund
2 pursuant to K.S.A. 75-3712, 75-3713, 75-3713a, 75-3713b and 75-3713c,
3 and amendments thereto.

4 (e) This section shall be a part of and supplemental to article 9 of
5 chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

6 Sec. 3. K.S.A. 2022 Supp. 48-924 is hereby amended to read as
7 follows: 48-924. (a) The governor shall be responsible for meeting the
8 dangers to the state and people presented by disasters.

9 (b) (1) Subject to the provisions of K.S.A. 2022 Supp. 48-924b, and
10 amendments thereto, the governor, upon finding that a disaster has
11 occurred or that occurrence or the threat thereof is imminent, shall issue a
12 proclamation declaring a state of disaster emergency.

13 (2) In addition to or instead of the proclamation authorized by K.S.A.
14 47-611, and amendments thereto, the governor, upon a finding or when
15 notified pursuant to K.S.A. 47-611, and amendments thereto, that a
16 quarantine or other regulations are necessary to prevent the spread among
17 domestic animals of any contagious or infectious disease, may issue a
18 proclamation declaring a state of disaster emergency. In addition to or
19 instead of any actions pursuant to the provisions of K.S.A. 2-2114, and
20 amendments thereto, the governor, upon a finding or when notified
21 pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a
22 quarantine or other regulations are necessary to prevent the spread among
23 plants, raw agricultural commodities, animal feed or processed food of any
24 contagious or infectious disease, may issue a proclamation declaring a
25 state of disaster emergency.

26 (3) The state of disaster emergency so declared shall continue until
27 the governor finds that the threat or danger of disaster has passed, or the
28 disaster has been dealt with to the extent that emergency conditions no
29 longer exist. Upon making such findings the governor shall terminate the
30 state of disaster emergency by proclamation, but except as provided in
31 paragraph (4), no state of disaster emergency may continue for longer than
32 15 days unless ratified by concurrent resolution of the legislature, with the
33 single exception that upon specific application by the governor to the
34 legislative coordinating council and an affirmative vote of five of the
35 members thereof, a state of disaster emergency may be extended for
36 specified periods not to exceed 30 days each.

37 (4) If the state of disaster emergency is proclaimed pursuant to
38 paragraph (2), the governor shall terminate the state of disaster emergency
39 by proclamation within 15 days, unless ratified by concurrent resolution of
40 the legislature, except that when the legislature is not in session and upon
41 specific application by the governor to the legislative coordinating council
42 and an affirmative vote of five members thereof, a state of disaster
43 emergency may be extended for a specified period not to exceed 30 days.

1 The legislative coordinating council may authorize additional extensions
2 of the state of disaster emergency by an affirmative vote of five members
3 thereof for specified periods not to exceed 30 days each. Such state of
4 disaster emergency shall be terminated on the 15th day of the next regular
5 legislative session following the initial date of the state of disaster
6 emergency unless ratified by concurrent resolution of the legislature.

7 (5) The state of disaster emergency described in K.S.A. 2022 Supp.
8 48-924b, and amendments thereto, shall terminate as provided in K.S.A.
9 2022 Supp. 48-924b, and amendments thereto, except that when the
10 legislature is not in session or is adjourned during session for three or more
11 days, and upon specific application by the governor to the legislative
12 coordinating council and an affirmative vote of five members thereof, this
13 state of disaster emergency may be extended for specified periods not to
14 exceed 30 days each.

15 (6) At any time, the legislature by concurrent resolution may require
16 the governor to terminate a state of disaster emergency. Upon such action
17 by the legislature, the governor shall issue a proclamation terminating the
18 state of disaster emergency.

19 (7) Any proclamation declaring or terminating a state of disaster
20 emergency that is issued under this section shall indicate the nature of the
21 disaster, the area or areas of the state threatened or affected by the disaster
22 and the conditions that have brought about, or that make possible the
23 termination of, the state of disaster emergency. Each such proclamation
24 shall be disseminated promptly by means calculated to bring its contents to
25 the attention of the general public and, unless the circumstances attendant
26 upon the disaster prevent the same, each such proclamation shall be filed
27 promptly with the division of emergency management, the office of the
28 secretary of state and each city clerk or county clerk, as the case may be, in
29 the area or areas of the state to which such proclamation applies.

30 (c) In the event of the absence of the governor from the state or the
31 existence of any constitutional disability of the governor, an officer
32 specified in K.S.A. 48-1204, and amendments thereto, in the order of
33 succession provided by that section, may issue a proclamation declaring a
34 state of disaster emergency in the manner provided in and subject to the
35 provisions of subsection (b). During a state of disaster emergency declared
36 pursuant to this subsection, such officer may exercise the powers conferred
37 upon the governor by K.S.A. 48-925, and amendments thereto. If a
38 preceding officer in the order of succession becomes able and available,
39 the authority of the officer exercising such powers shall terminate and such
40 powers shall be conferred upon the preceding officer. Upon the return of
41 the governor to the state or the removal of the constitutional disability of
42 the governor, the authority of an officer to exercise the powers conferred
43 by this section shall terminate immediately and the governor shall resume

1 the full powers of the office. Any such state of disaster emergency and any
2 actions taken by an officer under this subsection shall continue and shall
3 have full force and effect as authorized by law unless modified or
4 terminated by the governor in the manner prescribed by law.

5 (d) A proclamation declaring a state of disaster emergency shall
6 activate the disaster response and recovery aspects of the state disaster
7 emergency plan and of any local and interjurisdictional disaster plans
8 applicable to the areas of the state and any political subdivisions thereof
9 affected by the proclamation. Such proclamation shall constitute the
10 authority necessary for the deployment and use of any forces to which the
11 plan or plans apply and for use or distribution of any supplies, equipment,
12 materials or facilities assembled, stockpiled or arranged to be made
13 available pursuant to this act during a disaster. *A weather-related disaster*
14 *emergency proclamation shall activate sections 1 and 2, and amendments*
15 *thereto.*

16 (e) The governor, when advised pursuant to K.S.A. 74-2608, and
17 amendments thereto, that conditions indicative of drought exist, is
18 authorized to declare by proclamation that a state of drought exists. This
19 declaration of a state of drought can be for specific areas or communities,
20 can be statewide or for specific water sources and shall effect immediate
21 implementation of drought contingency plans contained in state approved
22 conservation plans, including those for state facilities.

23 Sec. 4. K.S.A. 48-928 is hereby amended to read as follows: 48-928.
24 In addition to other duties imposed under this act, the division of
25 emergency management shall:

26 (a) Determine the requirements of the state and the counties and cities
27 thereof for food, clothing and other necessities in event of a disaster;

28 (b) procure and distribute about the state, such supplies, medicines,
29 materials and equipment which are deemed necessary for use during a
30 disaster;

31 (c) promulgate standards and requirements for local and
32 interjurisdictional disaster emergency plans including adequate provisions
33 for the rendering and receipt of mutual aid;

34 (d) periodically examine or review and approve local and
35 interjurisdictional disaster emergency plans which are in accordance with
36 the standards and requirements promulgated therefor;

37 (e) establish and operate training or public information programs
38 relating to emergency management, and assist counties and cities, the
39 disaster agencies of such counties or cities and interjurisdictional disaster
40 agencies, in the establishment and operation of such programs;

41 (f) make surveys of industries, resources and facilities within the
42 state, both public and private, as are necessary to carry out the purposes of
43 this act;

1 (g) plan and make arrangements for the availability and use of any
2 private facilities, services and property for emergency management
3 activities and, if necessary and if in fact used, provide for payment for
4 such use under terms and conditions agreed upon;

5 (h) establish a register of persons with types of training and skills
6 important in emergency management activities;

7 (i) establish a register of mobile and construction equipment and
8 temporary housing available for use in a disaster;

9 (j) prepare drafts of orders or proclamations for the governor as
10 necessary or appropriate in coping with disasters;

11 (k) serve, for all those agencies which regulate any matter affecting
12 the transportation of hazardous materials:

13 (1) As the coordinating and supervising state agency; and

14 (2) to provide continuing liaison between such state agencies;

15 (l) establish an informational system under which state agencies shall
16 notify the division of emergency management;

17 (m) cooperate with the federal government and any public or private
18 agency or entity in achieving any purpose of this act and in implementing
19 programs for disaster prevention, preparation response and recovery;

20 (n) under the direction of the adjutant general, develop a regional
21 emergency management system which includes the use of regional
22 coordinators that provide training and preparation of state, county, city and
23 interjurisdictional disaster agencies to prevent, respond to, mitigate and
24 recover from emergency and disaster situations;

25 (o) under the direction of the adjutant general, implement the use of
26 an incident management system during emergency and disaster situations
27 by all state, county, city and interjurisdictional disaster agencies which
28 respond to such emergency or disaster situations;

29 (p) develop and administer a program to provide financial assistance
30 to cities, counties or interjurisdictional disaster agencies for the
31 development and implementation of a terrorism preparedness program.
32 Such program shall provide criteria for receiving such financial assistance
33 and such other conditions as the division may deem necessary; ~~and~~

34 (q) develop, implement and administer, with the assistance and advice
35 of the commission on emergency planning and response, a plan for
36 regional emergency medical response teams; *and*

37 *(r) cooperate with the incident commander to implement the*
38 *provisions of section 1, and amendments thereto.*

39 Sec. 5. K.S.A. 48-928 and K.S.A. 2022 Supp. 48-924 are hereby
40 repealed.

41 Sec. 6. This act shall take effect and be in force from and after its
42 publication in the statute book.