



KANSAS
ASSOCIATION OF
COUNTIES

300 SW 8th Avenue, Suite 300 • Topeka, KS 66603
785-272-2585 • Fax 785-272-3585 • www.kansascounties.org

Senate Judiciary Committee
January 12, 2021
Kansas Emergency Management Act

Kansas Association of Counties
KEMA Testimony – Written Only

Chairwoman Warren and members of the Committee:

The Kansas Emergency Management Act (KEMA) is a critical piece of legislation that dictates how communities in Kansas respond to all types of disasters. While COVID-19 remains at the forefront of our minds, KEMA addresses how communities and responders react to all types of emergencies and disasters, not just COVID-19 or other public health related emergencies and disasters. Any changes to KEMA will have lasting effects beyond COVID-19 unless the legislation specifically expires after COVID-19. Changes to KEMA will impact response to all types of disasters unless the language specifically carves out certain types of disasters within each section.

Federal disaster relief is generally tied to the statutes that regulate the Federal Emergency Management Agency (FEMA). As such, any state law modifications must track with Federal law in order to ensure that Kansans can receive necessary Federal assistance during all types of disasters. It is important to emphasize that KEMA is the framework utilized for all types of disasters. KAC and its member counties urge the committee to carefully consider all FEMA laws and regulations prior to making any changes to KEMA to avoid any unintended consequences.

It is also important to remember that the shape and scope of disasters can change much more rapidly than the legislative process can react. It is therefore imperative that responders, whether they are at the local or state level, have the necessary tools and authority to protect Kansans in the event of a disaster. KEMA is the framework to provide the tools and authority to do that.

A stated goal of HB 2016 was to give additional local control to counties. However, HB 2016 specifically exempts K.S.A. 65-201 and K.S.A. 65-202 from County Home Rule authority (*see* HB 2016, Section 25). This raises three issues.

First, K.S.A. 65-202 previously said that local health officers shall “...make or have made a sanitary inspection of each school building and grounds...” HB 2016, however, removed the phrase “or have made”, which now requires that the local health officer perform all such inspections. This places a significant burden on the local health officer and, because this statute is now exempt from County Home Rule authority, no local control can be used to best tailor this section to the needs and staffing of the local community.

Second, generally exempting these statutes from County Home Rule authority is inconsistent with the stated goal of local control. As demonstrated above, this has the unintended consequence of making current practices unlawful or required practices unmanageable.

Additionally, some entities fall outside county authority. For example, school districts can issue their own orders that differ from county orders. This adds an additional layer of confusion for individuals within the local community who may not understand the different scope of authority. Counties are not seeking to override the authority of school boards over schools. It is, however, confusing to individuals where different school districts take an approach that also differs from the countywide approach.

HB 2016 did give counties the ability to opt out of portions of statewide orders. This ability does grant local control, which is something that KAC and its member counties strongly support. KAC's member counties have been working locally on communication efforts during COVID-19, as it is clear that COVID-19 does not respect county boundaries, so that counties can collectively respond effectively not only to this situation, but future situations as well.

Thank you for the opportunity to provide this information to the committee. KAC stands ready to answer any further questions as appropriate.

Jay Hall
Legislative Policy Director and General Counsel
Kansas Association of Counties
hall@kansascounties.org
(785)272-2585, Ext. 307