

A G E N D A
Senate Select Committee on Homeland Security

Monday, June 20, 2005
8:30 a.m. - 11:30 a.m.
Senate Committee Room 354
State Capitol

SUMMARY FOLLOWS AGENDA

Call to Order

- I. Briefing on the First Responder Survey
 - *Jim Carpenter, State Director, U.S. Senator Ken Salazar's Office*
- II. Homeland Security Best Practices in Other States
 - *Kae Warnock, Policy Associate, Legislative Management, National Conference of State Legislatures*
- III. Final Report of the Senate Select Committee on Homeland Security
 - *Senator Dan Grossman, Chair*
- IV. Future Meeting Dates/Agenda Items
- V. Other Business

Adjourn

Final
STAFF SUMMARY OF MEETING
COMMITTEE ON HOMELAND SECURITY

Date: 06/20/2005

ATTENDANCE

Time: **08:40 AM to 10:08 AM**

Isgar X

Teck X

Place: SCR 354

Wiens X

Hagedorn *

This Meeting was called to order by

Grossman X

Senator Grossman

This Report was prepared by

Jennifer Moe

X = Present, E = Excused, A = Absent, * = Present after roll call

08:41 AM -- Briefing on Senator Salazar's First Responder Survey

The committee came to order. Senator Grossman mentioned the draft version of the committee's final report and asked for feedback later in the meeting. Mr. Jim Carpenter, State Director, U.S. Senator Ken Salazar's Office, came to the table to brief the committee on the survey of first responders in Colorado that was conducted by Senator Salazar's office in connection with the homeland security grant program. The survey was just completed in May 2005. Committee members were provided with a press release summarizing the survey (Attachment A), and the survey itself (Attachment B). Mr. Carpenter discussed three major findings based upon the 60 respondents to the survey who represent various geographic and demographic areas of the state: challenges dealing with the federal government, questions about preparedness and intelligence, and problems with interoperability.

According to Mr. Carpenter, local officials feel that policy is developed and dictated from above and, thus, they are unable to improve or change these policies. To illustrate this, he noted how the federal government increased the number of individuals at the local level with security clearance for intelligence. However, local officials in this survey indicate that they prefer fewer staff with security clearance because it opens up communication, and prefer more focused, useful, non-security intelligence than they are currently receiving. More importantly, local officials feel unprepared to respond to a weapons of mass destruction (WMD) incident or other terrorist incidents, and more than half of those who responded believe that federal grants are not going to right priorities in the state of Colorado. Mr. Carpenter shifted the discussion to grant issues, pointed out changes that have occurred in the last couple of years, and mentioned some growing pains and lingering concerns. For example, he said, some rural areas believe too much money goes to large cities, some urban areas believe rural areas have too much influence in setting priorities at regional meetings, and several local governments indicated that they are unsure what the criteria is for final funding decisions and how to navigate the system. Local officials suggested more guidance from the state about grant management so they can do better year-to-year planning for reimbursement. They also want fewer reporting requirements and simpler forms. Mr. Carpenter then noted various concerns of local officials about interoperable communications, all of which have already been discussed before the committee. Regarding terrorist intelligence, Mr. Carpenter reported that most of the intelligence is geared toward law enforcement, but law enforcement feels inundated by this information and finds most of it is not specific enough to be actionable. Also, medical responders do not receive as much intelligence as they would like in order to prepare for or respond to an incident. Local officials either want more details (e.g., photos of suspects rather than a list of names), or more specific suggestions for response to the intelligence, such as how to increase security. Those who responded to the survey spoke favorably about the National Incident Management System (NIMS).

Mr. Carpenter discussed two pieces of federal legislation that will help address some of the concerns expressed in the survey: Senate Bill 21 and Senate Bill 88.

08:55 AM

Mr. Carpenter responded to questions and comments from the committee. Senator Wiens asked if Colorado has a means to make a request from state government to Congress through its delegation to complete a given task and secure necessary funds, but Mr. Carpenter was not aware of anything. Senator Teck commented on the ongoing complaints about interoperable communications, and suggested that one person in state government be assigned to coordinate a resolution to this problem, preferably under one agency charged with all homeland security functions. Senator Isgar pointed out that infrastructure located in rural areas may not have local priority for protection but may have national significance warranting its protection (e.g., energy infrastructure). He also reported feedback from some of his constituents who have found that the 800 MHz radios are working better in the mountains than they anticipated, and who believe that fewer repeater towers may be necessary to build out the infrastructure in his area. Senator Wiens

added that the Douglas County fire chief recently traveled throughout the state and found that his radio worked everywhere except near Vail where no transmitter is available. Senator Grossman asked if there was any move afoot for the federal government to move to the 800 MHz system; Mr. Carpenter was unaware of any proposed changes but indicated he would get back to the committee on that. Senator Teck commented that the assessment of critical infrastructure must be completed in order to set Colorado's priorities statewide.

Senator Wiens made some suggestions for the final report regarding reforming Colorado's approach to planning and securing homeland security moneys. Discussion ensued about his suggestions and the respective roles of the legislative and executive branches of state government as well as the federal government. The committee agreed that the state must reform its approach by first setting goals and priorities, and seeking funds that support those goals/priorities. Senator Grossman inquired about the new homeland security funding allocation under Senate Bill 21, which is based on risk rather than population, and how Colorado might be positively or negatively affected. Mr. Carpenter said that a state-by-state impact is not available, but that the Urban Area Security Initiative (UASI) will continue to be separate from the homeland security grant program. Senator Teck commented on the potential for conflict if the federal government is deciding the critical priorities for state and local governments under the new funding allocation. Mr. Carpenter stated that amendments will be offered to add military bases, agriculture, and high number of tourists to the decision-making criteria. Senator Isgar suggested adding energy infrastructure as well.

09:25 AM -- Homeland Security Practices in Other States

Ms. Kae Warnock, Policy Associate, Legislative Management, National Conference of State Legislatures, spoke about homeland security structure in other states and the rationale for these structures. Committee members were provided with a memorandum prepared by Legislative Council Staff concerning homeland security practices in other states (Attachment C). Ms. Warnock explained that after the September 11 terrorist attacks, homeland security functions were created by executive order because most legislatures were not in session at that time, and governors used agencies such as emergency management and positions such as adjutant general that were already in place. In January 2002, some legislative committees were formed to study homeland security issues, but little legislation came forward right away. Ms. Warnock stated that as states used the executive-order systems, necessary adjustments were noted as problems arose. She discussed several states that assigned homeland security functions based upon the historical strength of a particular agency. For example, South Carolina's law enforcement division is strong and was a natural fit for homeland security functions, while Iowa's emergency management agency is strong and assumed homeland security functions. Ms. Warnock remarked that many coastal states also have strong emergency management agencies because they consistently work with port authorities, and those states placed homeland security functions in the emergency management agencies. From mid-2003 to the present, there has been a shift to using legislation to make changes to the governors' initial set-ups. West Virginia is an example of a state that is being reorganized as a result of legislation, and homeland security is being integrated with its Division of Military Affairs.

Ms. Warnock said that it is impossible to pick a state with the best model structure because each state had to find its strongest agency and fit the responsibilities into this agency. She discussed some unique features of Arizona's Office of Homeland Security, which is also discussed on pages 3 and 4 of Attachment C. She noted that the Arizona office is actually housed in the governor's office for administrative purposes, but that the homeland security chief is also the chief of the Division of Emergency Management. Ms. Warnock then noted some new issues, such as funding to maintain state homeland security offices, including staff. She said that the federal government initially planned to set up the offices and let states maintain them on their own. However, the cost to train staff to use new equipment is a major increase for most states and is too much for them to handle alone. The federal government is working on solutions to address this and other new problems. Ms. Warnock then responded to questions and comments from the committee.

09:39 AM -- Final Report

The committee discussed additions and changes to the final report. Senator Grossman submitted a cover

letter from the committee to be included at the beginning of the report. Senator Teck reiterated the need for someone to oversee radio communications and interoperability. Senator Wiens asked for more in the text about the need to modify the state's current approach to homeland security: to determine needs first, then get funding (not vice versa). The committee expressed its desire to make the report available to first responders when it is released to get feedback as to the direction the committee is taking. Mr. Carpenter returned to the table and answered Senator Teck's questions about those who responded to the senator's survey. Senator Wiens spoke about the need to improve fire services to centralize command and control, and how a centralized fire services structure could serve as a model for centralizing homeland security functions. He added later that the report should include some recommendations to enhance the use of modern technology for fire services and homeland security. The committee expressed its desire for departments to report to the committee projected timelines for implementing the committee's recommendations, and discussed how to incorporate this language into the report.

Senator Grossman asked the committee to notify him or staff of groups they should visit with the report to get feedback. The committee requested staff to find out the outcome of the April 25 Critical Infrastructure Committee (CIC) meeting and the status of the CIC's work, and report back to the committee. Senator Wiens suggested that staff also attend hearings on effect of auto insurance tort system on trauma system to hear from trauma systems, first responders, etc. to learn if/how their capabilities are being diminished from recent changes to tort law.

10:08 AM

The committee adjourned.