

House Judiciary Committee Meeting
Thursday, April 1, 1965

The House Judiciary Committee met Thursday, April 1, 1965, in Room 523 at 9:15 A.M. with Chairman Jack R. Euler presiding. Seventeen members were present. Members Davis, Hill, Howard and Van Cleave were absent.

Chairman Euler called the meeting to order.

Present in opposition to Senate Bill No. 301, an act relating to the allowance, classification and payment of demands against estates; amending existing K.S.A. 59-1301 and repealing said original section, was Jack H. Greene, Attorney for Cochran Mortuary, Wichita, Kansas. He stated that this bill, if enacted, would have a drastic economical effect on the industry. He then gave a brief summary of what occurs when there is a death in the family. There is a cash advance of several hundred dollars by the funeral director. He made reference to page 1, lines 8 and 9, "but in no event shall the allowance under this classification exceed four hundred dollars (\$400)". This takes it away from the discretion of the court, which the judge presently has. Under the present system, the judge allows a certain figure which is just and reasonable as a first class claim. The people in this business consider this change as being disastrous to the funeral industry and the allied businesses. If this law is changed, we will have an economical change. The funeral director can no longer serve the public on the basis of which they are serving and which the public expects. The charges will have to go up and interest will have to be charged. A multiplicity of claims will result. This bill affects about 20% of the funerals.

It was pointed out by the chairman that this only affects an estate that is insufficient.

Mr. Bell asked if interest would have to be charged because of the time lapse. Mr. Greene said this would probably be the result.

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Speaking in favor of Senate Bill No. 301 was Charles Hamm, attorney, Kansas State Department of Social Welfare. Mr. Hamm stated that this would apply only to insolvent estates. The department is involved with about 2,000 estates a year. The figure of \$400 is the current practice of about 90% of the probate judges. There are; however, two or three counties where the claims are filed for about \$1,200 or \$1,300. He then read figures confirming these statements. He also told of one particular incident. He went on to state that it has been made known that the department objects to and vigorously defends against any claim over \$400. Most of the courts have been very fair about this.

Mr. Bell asked if there is any way in which the funeral director can determine whether this person is on welfare and will file a claim. Mr. Hamm stated that this is a matter of public record. He went on to state that these funeral directors are usually the pillars of society in their towns and know everyone. He stated that he has talked with some of the judges concerning this problem, but has gotten no where. Mr. Hamm again pointed out that this applies only to insolvent estates and that a director probably has only one or two of these cases a year and some, not even this number.

Mr. Gray asked how you are going to arrive at this insolvency. He pointed out that it can't be determined until after the period of time has elapsed for creditors. Mr. Hamm stated that this is true under the current law.

Mr. Greene pointed out that there is a Senate Concurrent Resolution directing a complete study of the funeral laws and therefore there is no need to rush into anything by passing this law. This is an arbitrary figure which takes the discretion away from the judge.

Mr. Gable, also present in opposition to this bill, pointed out the difficulty in knowing if the people are on social welfare.

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Robert F. Duncan, Attorney for the Kansas Ambulance Association, Atchison, spoke in favor of Senate Bill No. 185, an act relating to counties, pertaining to the furnishing of ambulance service and authorizing certain contracts in relation thereto. He explained the bill and told how the present law operates. He presented statistics in reference to the present operation of the counties. Data in this regard was given to the members of the committee, a copy of which is attached. He stated that the amendment as offered by Marvin Levand, Wichita, in the Senate to Senate Bill No. 185 would in effect put them right back where they are presently.

Mr. Duncan went on to explain that the purpose is to shift the load from the city taxpayers if the county commission wants to contract along with the city. The person who lives in the county is benefiting, but the city makes payments in at least eight specific instances and possibly more in the future.

Mr. Griffith asked if Mr. Duncan thinks this is enough of a public service that public money should be spent for it. Mr. Duncan said yes.

Mr. Levand then spoke in opposition to Senate Bill No. 185. He stated that he has changed his stand in regard to this bill. He no longer is offering an amendment, but is completely opposed to the entire bill. He stated that 99.9% of the ambulance firms are in another business and have this service merely for advertisement, etc. Public taxes should not subsidize his competitor or any other competitor. If the firms are losing money, then they should upgrade the quality of their services. This would be letting down the subsidy flood gates.

The meeting adjourned at 10:10 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



Senate Bill # 185

[Allows Counties to Contract for Ambulance Services]

1. Reasons for the Law
 - a. Attorney General's Opinion
 - b. 8 cities are paying private ambul services under authority of Home Rule - 877,000 Kansans benefit from these payments
 - c. Permissive Legislation
 - 1) Leaves decision to Local Government
 - 2) Allows City Taxpayer to be relieved of entire load
 - d. 4 Counties now paying for Ambul services - Grant, Reno, Stevens & Leavenworth
2. Effect of Levand Amendment
 - a. CHART
 - b. Does not allow any Ambul Serv in State to Contract with Co. - Leavenworth only exception
 - c. Nullifies purpose of SB 185
 - d. Keeps entire load for Ambul Service on City Taxpayer

OTHER NEEDS

TRAINING

The further development of standardized advanced training courses for ambulance attendants and other allied health and medical personnel. Training by physicians is now being presented in several locations throughout the state. This is a voluntary course to supplement Red Cross First Aid training.

PUBLIC EDUCATION

Inform and educate the public on desirability and need for adequate Emergency Medical Services.

COMMUNITY ACTION

The formation of a voluntary community organization to coordinate EMS activities. Representatives should include the medical and health professions, local law enforcement officials, ambulance operators, and others concerned with these services.

STATE ACTIVITIES

Increased liaison between State organizations and governmental agencies to ensure continued voluntary improvement of ambulance and other emergency services at the local level.

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Kansas
Ambulance
Association

WHAT ARE GOOD EMERGENCY MEDICAL SERVICES (EMS)

The term Emergency Medical Services is used to describe all of the organizations and individuals in a community who are responsible for providing care and transportation of the ill and injured from the scene of an accident to the care of a physician in the community's hospital. These include ambulance service, police and fire departments, sheriffs' offices and highway patrol, as well as physicians, hospitals, public health agencies, and local governments.

Good services result when all of these organizations work together so that the public in their community will be assured of receiving prompt, adequate care and transportation.

At present it is estimated over 25,000 persons in the United States receive further injury or die from mishandling. These injuries and deaths can be attributed to a lack of training, substandard equipment and poor communications.

Certain steps can and should be taken to ensure that these conditions will not occur in Kansas.

PROPOSED LAW

CONTRACTS OF COUNTIES FOR AMBULANCE SERVICES: The Board of County Commissioners of any County may contract with any city, person, firm, or corporation for the furnishing of ambulance services within their respective Counties upon such terms and conditions, and for such compensation as may be agreed upon. Provided, the County shall not be liable in any respect for the operations of the ambulance services, nor shall the same be deemed or considered the agent of the County on account of any such contract.

WHY THIS LAW

Attorney General's Opinion Prohibiting: On August 5, 1959, the Attorney General wrote an opinion to the City of Pittsburg stating that counties may NOT contract for ambulance services.

Cities Presently Contracting for Ambulance Services

CITY	AMOUNT	AGENCY CONTRIBUTING
Atchison	\$250.00	City
Coffeyville	\$275.00	Memorial Hospital
Hutchinson	\$500.00	City and County Welfare
Kansas City	\$750.00	City
Lawrence	\$285.00	City
Leavenworth	\$300.00 and ambulances	City - Co. Jt. Bd. of Health
Topeka	\$375.00	City
Wichita	\$2000 per yr. (approximate)	City - (The city pays for "dry-runs" requested by city & prisoner transport)

Counties Presently Operating Ambulance Service

Stevens

Grant

Jack H. Greene, Atty for Beckman Mortuary
Wichita, Kansas

John F. Lutz } Danek's Home - Funeral Home
James E. Lemar } Kansas City, Kansas

Bruce Coe - WICHITA, KS.

S. F. Byrd - Byrd - Snodgrass Funeral Home, Wichita, Ks.

Lee Roy Haynes - } Culbertson Mortuary
Charles R. Culbertson } Wichita, Ks.

William L. Gore - Broadway Mortuary

Ward Haddington Bonner Springs Ks

Jack R. Morris Wichita, Ks

Mouwen Leonard Wichita, Ks.

Mr and Mrs Norman E. Fitch Coffeyville Kn.

Lawrence M. Stabel Topeka, Kans.

Martin E. Wernamker Sunflower Pines Topeka Ks

W. B. Ziffel Dept. Social Welfare Topeka

Charles V. Hamm, Atty - Dept of Social Welfare - Topeka

ROBERT F. DUNCAN - Atty for Ks. AMBULANCE
ASSOCIATION - ATCHISON

Ken Thompson - GOLD CROSS AMBULANCE - WICHITA

Bill Fowler - Pittsburg Ambulance - Pittsburg

J. Robinson Ambulance Service - Emporia.

KENT LANTERMAN - METROPOLITAN AMBULANCE - WICHITA.

Wm Deader WICHITA CASKET CO. - WICHITA

Tom Lahey Lahey Mortuary Wichita Kansas