

Approved 3-19-84
Date

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Buntten at
Chairperson

1:30 a.m./p.m. on Thursday, March 15, 1984 in room 514-S of the Capitol.

All members were present except: Representative Wisdom (excused)

Committee staff present: Lyn Goering, Legislative Research
Gloria Timmer, Legislative Research
Ed Ahrens, Legislative Research
Mary Galligan, Legislative Research
Jim Wilson, Office of the Revisor
Dave Hanzlick, Administrative Assistant
Nadine Young, Committee Secretary

Conferees appearing before the committee:
Paul Kalmar, Chief of Police, Kingman, KS
R. Jene Allen, Sheriff, Comanche County
Dennis Foltz, Ex Director of Chikaskia, Golden Hills and
Indian Hills Associations of local government
L. Monroe Rickard, Chief of Police, Medicine Lodge, KS
Tony Diplacito, President of Ks Assoc Chief of Police
David Reavis, FOP
Ron Todd, Asst. Commissioner of Insurance
Representative Wunsch
Kenneth W. Seager, Chief of Police, Wamego, KS

Others present (Attachment 1)

Chairman Buntten called the meeting to order at 2:35 P.M.

Turning to HB 2992, the claims bill concerning Lewis and Vines discrimination suit - chairman clarified what the motion was yesterday. The motion should be to reconsider our action on HB 2992. Today, chairman makes this motion. Seconded by Representative Arbuthnot. Motion carried.

Representative Helgerson moved to reduce the figure granted in the Keith Carl case from \$75,000 to \$36,000. Representative Turnquist seconded. Motion carried.

Chairman Buntten moved to appropriate the \$5,500 each and that the appropriation be made paying this amount out of the appropriation for salaries and wages. Seconded by Representative Arbuthnot. Representatives Mainey and Miller objected to the motion. Vote was taken and the motion failed.

Chairman then made a motion to take the money out of the bill saying "they will just have to wait for their money. Seconded by Representative Farrar. Chairman asked for a vote on reconsidering the action rate. The motion carried.

Representative Miller asked Chairman to amend the motion to make it either salaries and wages or other operating expenses. Chairman agreed to amend the motion. Seconded by Representative Arbuthnot. Motion carried.

Representative Arbuthnot moved that HB 2992, as amended, be recommended favorable for passage. Seconded by Representative Arbuthnot. Motion carried.

Turning to SB 507 -- an act relating to health care providers; concerning professional liability insurance; providing a privilege for peer review proceedings; establishing administrative structures and procedures for discipline; amending K.S.A. 40-3402, 40-3408, 40-3415 and 65-2835 and K.S.A. 1983 Supp. 40-3403 and 40-3404 and repealing the existing sections.

Representative Duncan presented an amendment to SB 507, which is technical in nature. They are the amendments referred to yesterday by the Medical Society and Board of Healing Arts. This amendment inserts the word "formal", it

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 1:30 a.m./p.m. on Thursday, March 15, 1984

strikes out the word "petition" all the way through. (Attachment 1A).

Representative Shriver made a motion to reinsert on Line 426 that language "not otherwise.....", on Line 435 strike "chief counsel of the board". New section 9, line 446, strike all of the amendments out at the side. Page 14, reinsert that language starting with Line 504 - 510.

Chairman asked Representative Duncan if he would agree to these changes and could the motion reflect that. He said, yes, he would agree to these changes. Then Representative Duncan stated "I make the motion to amend on these changes plus the deletions that Shriver has mentioned. Seconded by Representative Heinemann. Motion carried.

Representative Shriver made a motion to take the word "board" out and insert "disciplinary counsel". Seconded by Representative Meacham.

Representative Duncan offered a substitute motion that we insert language "that if an informal admonition is recommended by the review committee, that the admonition shall be forwarded by the administrator to the board that shall take action without further proceedings. Representative Shriver seconded and the motion carried.

Chairman asked for any further discussion on SB 507 as amended. Representative Dyck moved we adopt it and that it be recommended favorable for passage, as amended. Seconded by Representative Louis.

Representative Solbach made a substitute motion to consider the amendment passed out yesterday by Arden Ensley. Seconded by Representative Heinemann. (Refer to Pg 12, line 423 & 424).

Representative Shriver objected to the motion. Representative Solbach said I would just move my amendment. The motion failed.

Representative Shriver moved to change the word "may" represent the board, to "shall" represent the board on Line 504. Representative Hamm seconded. The motion failed.

Representative Duncan moved that we go ahead and delete that language on pg 14, line 504, starting "The.....repeal". Representative Solbach seconded. The motion failed.

The motion on the floor to recommend the bill be favorably passed was voted on and the motion carried.

Turn to SB 442 -- an act concerning the workers' compensation fund; relating to financing the expenses of administration; amending K.S.A. 1983 Supp. 44-566a and repealing the existing section.

Ron Todd, Asst. Commissioner of Insurance explained the background of the bill and asked the committee to support the bill so that the funds will be available for the administration of the act.

Representative Miller moved to amend the bill (Attachment 2). Seconded by Representative Dyck. Motion carried.

Representative Miller moved that SB 442 be reported favorable for passage, as amended. Seconded by Representative Dyck. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
 room 514-S, Statehouse, at 1:30 a.m./p.m. on Thursday, March 15, 1984

HB 2856 -- concerning law enforcement training; amending K.S.A. 1983 Supp. 74-5606 and 74-5607a and repealing the existing sections.

Representative Wunsch explained the bill and addressed 2 points in the bill. One aspect says there is an 80-hr requirement for part time officers that they receive training within a 1-yr period. We ask it be extended to 1½ years. The second aspect suggests that continuing education for full time officers be reduced from 40 hours to 20 hours.

Paul Kalmar testified in support of the bill (Attachment 3).

Jene Allen also appeared before the committee and urged the committee's support of the bill.

Chief of Police Monroe Rickard from Medicine Lodge also appeared and testified in support of the bill (Attachment 4).

Dennis Foltz, Ex Director of Associations of local government also appeared in support of HB 2856 (Attachment 5).

Opponents appearing to testify against passage of HB 2856:

Colonel Bert Cantwell and Bob Clester of the Kansas Sheriff's Association appeared in opposition of HB 2856, however, chairman asked they not speak since we heard their testimony originally on February 20. They both said their testimony remains unchanged from the February 20 date.

Tony Diplacito, President of Kansas Assoc. of Police Chiefs appeard in oppositio of the bill.

David Reavis also appeared in opposition of the bill. He is a former member of the Governor's commission on law enforcement training and standards. He said it is imperative that all law enforcement officers receive adequate training.

Kenneth W. Seager, Chief of Police from Wamego also appeared in opposition of the bill. He feels this bill is not the answer to 2nd and 3rd class cities. (His testimony is attached #6).

No action taken this date on HB 2856.

HB 2760 -- an act concerning the nuclear energy development and radiation control act; amending K.S.A. 48-1601, 48-1603, 48-1604, 48-1607, 48-1608, 48-1609, 48-1610, 48-1611, 48-1612, 48-1613 and 48-1615 and repealing the existing sections.

Representative Heineman explained the bill and offered an amendment to that each radioactive facility will not be more than \$300,000 annually. SEconded by Representative Chronister. Motion carried.

Then Representative Heinemann moved that HB 2760 be recommendd favorable for passage, as amended. Seconded by Representative Hamm. Motion carried.

Turning to HB 2740 -- an act relating to hazardous wastes; amending KSA 1983 Supp. 65-3430, 65-3431, 3, 33, 35, 36, 37, 39, 41, 42, 43, 44, 45 and 46 and repealing the existing sections; also repealing KSA 1983 Supp. 65-3448.

Representative Heinemann explained this bill and offered one amendment -- that is on Pg 24, Line 883.....striking "any person who willfully, wantonly or recklessly violates.....". and insert the word "knowingly". He then moved the amendment be adopted. Seconded by Representative Chronister. The motion carried.

Representative Heinemann then moved that HB 2740 be recommended favorable for passage, as amended. Seconded by Representative Chronister. Motion carried.

Meeting adjourned at 4:30 p.m.

(Attachment 7 -- Buddy L. Hulsman -- SB 507)

(Attachment 8 -- Donald Wilson -- SB 507)

THURSDAY
3-15-84

Name	Address	Representing
1. Ruth Groves	Topeka	Recy
2. Bob CLESTER	TOPEKA	KS OVERSEAS ASSN
3. Anthony J DiPlacito	Westwood Police Dept.	Ks Chief of Police Ass'n
4. DARRELL F. Gardner	westwood Police Dept.	westwood Police Dept.
5. C. Allen	Orembrack	KDHE
6. Robert Eye	Lawrence, Ks.	KDHE
7. PAUL REAVIS	LAWRENCE	KS F.O.P.
8. S. TANNENWALD-MIRINCOFF	TOPEKA	School Bus Drivers
9. Jim Burgess	Manhattan	
10. Elizabeth W CARLSON	topeka	Bd of Healing Arts
11. Frank J Gentry	"	Ks Hospital Assoc
12. Dennis Burgess	Wamego	KAEG
13. Charles H. Hamon	Topeka	KDHE
14. Lem Mendenhall	Topeka	KCC
15. Karen S. Brown	Wichita, KS	Cerebral Palsy Research
16. Gary B Thompson	Wichita KS	Cerebral Palsy Research
17. J. J. SABON	TOPEKA	KDHE
18. Dennis Murphey	Topeka	KDHE
19. Dennis R. Foltz	Pratt	CGI Assoc of Local Govts
20. Ron Todd	Topeka	INS. Dept
21. Paul J. Kalman	Kingman, Ks.	Police Dept.
22. June Allen	Comanche, Ok	Sheriff Dept
23. L. Monroe Rickard	MED. LODGE, KS.	CHIEF OF POLICE
24. Matt Selby	Lawrence	Sierra Club
25. Bert Cantelero	Topeka	KHP

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SENATE BILL No. 507

Committee on Ways and Means

1-11

021 AN ACT relating to health care providers; concerning the health
022 care provider insurance availability act; providing a privilege
023 for peer review proceedings and records; providing for the
024 appointment by the state board of healing arts of a disciplinary
025 administrator and of review committees and establishing the
026 powers and duties thereof; concerning professional liability
027 insurance; providing a privilege for peer review proceedings;
028 establishing administrative structures and procedures for
029 discipline; amending K.S.A. 40-3402, 40-3408 and, 40-3415
030 and 65-2838 and K.S.A. 1983 Supp. 40-3403 and 40-3404 and
031 repealing the existing sections.

, 65-2841, 65-2842, 65-2843

also repealing K.S.A. 65-2839 and 65-2840

032 Be it enacted by the Legislature of the State of Kansas:

033 New Section 1. It is the declared public policy of the state of
034 Kansas that the provision of health care is essential to the
035 well-being of its citizens as is the achievement of an acceptable
036 quality of health care. Such goals may be achieved by requiring a
037 system which combines a reasonable means to monitor the
038 quality of health care with the provision of a reasonable means to
039 compensate patients for the risks related to receiving health care
040 rendered by health care providers licensed by the state of Kan-
041 sas.

042 Sec. 2. K.S.A. 40-3402 is hereby amended to read as follows:
043 40-3402. (a) A policy of professional liability insurance approved
044 by the commissioner and issued by an insurer duly authorized to
045 transact business in this state in which the limit of the insurer's
046 liability is not less than ~~one hundred thousand dollars (\$100,000)~~
047 \$200,000 per occurrence, subject to not less than a ~~three hundred~~
048 ~~thousand dollar (\$300,000)~~ \$600,000 annual aggregate for all

1A

0123 personal injury or death arising out of the rendering of or the
0124 failure to render professional services by a health care provider,
0125 self-insurer or inactive health care provider subsequent to the
0126 time that such health care provider or self-insurer has qualified
0127 for coverage under the provisions of this act, there is hereby
0128 established the health care stabilization fund. The fund shall be
0129 held in trust in a segregated fund in the state treasury. The
0130 commissioner shall administer the fund or contract for the ad-
0131 ministration of the fund with an insurance company authorized
0132 to do business in this state.

0133 (b) (1) There is hereby created a board of governors. The
0134 board of governors shall provide:

0135 (A) Technical assistance with respect to administration of
0136 the fund;

0137 (B) such expertise as the commissioner may reasonably re-
0138 quest with respect to evaluation of claims or potential claims;

0139 (C) advice, information and testimony to the appropriate
0140 licensing or disciplinary authority regarding the qualifications
0141 of a health care provider.

0142 (2) The board shall consist of 13 persons appointed by the
0143 commissioner of insurance, as follows: (A) The commissioner of
0144 insurance, or the designee of the commissioner, who shall act as
0145 chairperson; (B) one member appointed from the public at large
0146 who is not affiliated with any health care provider; (C) three
0147 members appointed from nominees of the Kansas medical soci-
0148 ety; (D) three members appointed from nominees of the Kansas
0149 hospital association; (E) two members appointed from nominees
0150 of the Kansas association of osteopathic medicine; (F) one
0151 member appointed from nominees of the Kansas chiropractic
0152 association; and (G) two members of other categories of health

0153 care providers. Meetings shall be called by the chairperson or by
0154 a written notice signed by three members of the board. The
0155 board, in addition to other duties imposed by this act, shall
0156 study and evaluate the operation of the fund and make such
0157 recommendations to the legislature as may be appropriate to
0158 ensure the viability of the fund.

0159 (3) The board shall be attached to the insurance department

licensed to practice medicine and surgery
in Kansas who are doctors of medicine
who are representatives of Kansas hospitals
licensed to practice medicine and surgery
in Kansas who are doctors of osteopathic medicine
licensed to practice chiropractic in Kansas

0382 (L) evaluate, review or improve methods, procedures or
 0383 treatments being utilized by the medical care facility or by
 0384 health care providers in a facility rendering health care.

0385 (c) Except as provided by K.S.A. 60-437 and amendments
 0386 thereto and by subsections (d) and (e) of this section, the reports,
 0387 statements, memoranda, proceedings, findings and records of
 0388 peer review committees shall be privileged and shall not be
 0389 subject to discovery, subpoena or other means of legal compul-
 0390 sion for their release to any person or entity or be admissible in
 0391 evidence in any judicial or administrative proceeding. This
 0392 privilege may be claimed by the legal entity creating the peer
 0393 review committee, or by the commissioner of insurance for any
 0394 records or proceedings of the board of governors.

0395 (d) Subsection (c) of this section shall not apply to proceed-
 0396 ings in which a health care provider contests the revocation,
 0397 denial, restriction or termination of staff privileges or the license,
 0398 registration, certification or other authorization to practice of the
 0399 health care provider.

0400 (e) Nothing in this section shall limit the authority, which
 0401 may otherwise be provided by law, of the commissioner of
 0402 insurance, the state board of healing arts or other health care
 0403 provider licensing or disciplinary boards of this state to require a
 0404 peer review committee to report to it any disciplinary action or
 0405 recommendation of such committee, or to transfer to it records of
 0406 such committee's proceedings or actions to restrict or revoke the
 0407 license, registration, certification or other authorization to prac-
 0408 tice of a health care provider or to terminate the liability of the
 0409 fund for all claims against a specific health care provider for
 0410 damages for death or personal injury pursuant to subsection (g) of
 0411 K.S.A. 40-3403 and amendments thereto. *Reports Prior to the*
 0412 *filing of [a petition or other] action initiating a [disciplinary*
 0413 *proceeding against a health care provider by the state board of*
 0414 *healing arts or other health care provider licensing or discipli-*
 0415 *nary boards of this state, reports and records so furnished shall*
 0416 *not be subject to discovery, subpoena or other means of legal*
 0417 *compulsion and their release to any persons or entity will not be*
 0418 *admissible in evidence in any judicial or administrative pro-*

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0419 ceeding except to the parties in any judicial or administrative
0420 proceeding arising out of the recommendation of the peer review
0421 committee, the commissioner of insurance, the state board of
0422 healing arts or other health care provider licensing or discipli-
0423 nary board. After such [a petition or other] action is filed, the
0424 reports and records shall be deemed public records.

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dealing with the licensee and related to the action

0425 New Sec. 8. The state board of healing arts shall appoint a
0426 disciplinary [administrator] who shall [not] otherwise be an attor-
0427 ney for the board, with [the] duties as set out in act. The disciplinary
0428 [administrator] shall be an attorney admitted to practice law in the
0429 state of Kansas. The disciplinary [administrator] shall have the
0430 power and the duty to investigate or cause to be investigated all
0431 matters involving professional incompetency, unprofessional
0432 conduct or any other matter which may result in revocation,
0433 suspension or limitation of a license pursuant to K.S.A. 65-2836
0434 to 65-2844, inclusive, and amendments thereto. In the perform-

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0435 ance of these duties, the disciplinary [administrator] may apply to
0436 any court having power to issue subpoenas for an order to
0437 require by subpoena the attendance of any person or by sub-
0438 poena duces tecum the production of any records for the pur-
0439 pose of the production of any information pertinent to an
0440 investigation. Subject to approval by the state board of healing
0441 arts, the disciplinary [administrator] shall employ clerical and
0442 other staff necessary to carry out the duties of the disciplinary
0443 [administrator]. The state board of healing arts may adopt rules
0444 and regulations necessary to allow the disciplinary [administrator]
0445 to properly perform the functions of such position under this act.

counsel or the chief counsel of the board

0446 New Sec. 9. [On the conclusion of an investigation, unless
0447 the disciplinary [administrator] determines the complaint to be
0448 unfounded, the disciplinary [administrator] shall present matters
0449 involving alleged professional incompetency or unprofessional
0450 conduct or any other matter which may result in revocation,
0451 suspension or limitation of a license pursuant to K.S.A. 65-2836

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Complaints shall initially be reviewed by the secretary and
the chief counsel of the board to determine whether the com-
plaints have merit. Unless the complaint is found to be
without merit, the complaint shall be referred to the dis-
ciplinary counsel for investigation.

0452 to 65-2844, inclusive, and amendments thereto, to a review
0453 committee appointed pursuant to section 10. The disciplinary
0454 [administrator] shall recommend to the review committee infor-
0455 mal admonition of the practitioner concerned or prosecution of

counsel

0456 formal charges at a hearing. If informal admonition is recom-
0457 mended by the review committee the same shall be performed board
0458 by the disciplinary administrator without further proceedings.
0459 The review committee shall have the power to subpoena wit-
0460 nesses and information for appearance and presentation before
0461 the committee. Disposition of the matter shall be made by a
0462 majority vote of the review committee unless the committee
0463 directs further investigation. A complaint shall not be referred
0464 for hearing unless the review committee finds by majority vote
0465 that there is probable cause to believe there has been conduct
0466 which, pursuant to K.S.A. 65-2836 to 65-2844, inclusive, and
0467 amendments thereto may result in revocation, suspension or
0468 limitation of a license. The members of the review committee
0469 shall not participate as a witness or otherwise in any hearing
0470 regarding the matter. _____

0471 New Sec. 10. Review committees shall be established and
0472 appointed by the state board of healing arts for each branch of the
0473 healing arts as necessary to implement the provisions of this act.
0474 Each review committee shall be composed of three members.
0475 Two members *and their designated alternates* shall serve for a
0476 period of two years, ~~one of whom shall be a lay person repre-~~
0477 ~~senting the public and one all of whom shall be a member~~
0478 *members* of the same branch of the healing arts as the person
0479 whose conduct is being reviewed. The third member of the
0480 review committee shall be appointed on an *ad hoc* basis, and
0481 shall be of the same branch of the healing arts and specialty, if
0482 any, as the person whose conduct is being reviewed. Members of
0483 the state board of healing arts shall not be eligible to act as
0484 members of the review committee. Members of the review
0485 committee who are licensees of the state board of healing arts
0486 ~~shall may~~ be selected from names submitted by the state profes-
0487 sional association for the branch of healing arts involved. *The*
0488 *board of healing arts shall ensure that no conflict of interest*
0489 *exists by reason of geography, personal or professional relation-*
0490 *ship, or otherwise, between any of the review committee mem-*
0491 *bers and any person whose conduct is being reviewed.* The
0492 members of such review committees attending meetings of such

No person who presented any matter to the review committee shall be a hearing officer or otherwise advise the board in any hearing on that matter.

0493 committees shall be paid compensation, subsistence allowances,
0494 mileage and expenses as provided by K.S.A. 75-3223 and
0495 amendments thereto.

0496 New Sec. 11. If the review committee recommends the mat-
0497 ter be referred for hearing, the disciplinary [administrator] shall
0498 institute formal proceedings by filing a petition as set forth in
0499 K.S.A. 65-2841 and amendments thereto. Prior to the time the
0500 petition is filed, all information in the possession of the discipli-
0501 nary [administrator] or review committee regarding the matter
0502 shall be confidential and not subject to subpoena. The discipli-
0503 nary administrator shall prepare and prosecute all complaints
0504 that proceed to hearing before the state board of healing arts. [The
0505 disciplinary administrator may represent the board whenever a
0506 licensee appeals a decision of the board pursuant to K.S.A.
0507 65-2848 and amendments thereto, unless the disciplinary ad-
0508 ministrator also appeals some aspect of the decision, in which
0509 case the board shall appoint special counsel to represent the
0510 board in the appeal.] All witnesses at such hearing shall be sworn
0511 and all proceedings and testimony shall be reported, either by
0512 stenographic means or electronic recording.

0513 Sec. 12. K.S.A. 65-2838 is hereby amended to read as fol-
0514 lows: 65-2838. The board shall have jurisdiction of the proceed-
0515 ings to revoke, suspend or limit the license of any licensee
0516 practicing under this act. The [petition] for the revocation, sus-
0517 pension or limitation of a license may be filed: (a) By the
0518 attorney general in all cases; (b) by the county or district attorney
0519 of the county in which the licensee resides or has practiced; or
0520 (c) by a regularly employed attorney of the board by the disci-
0521 plinary [administrator]. ~~Said~~ The [petition] shall be filed in the
0522 office of the secretary of the board.

0523 Either before or after formal charges have been filed, the
0524 board and the licensee may enter into a stipulation which shall
0525 be binding upon the board and the licensee entering into such
0526 stipulation, and the board may enter its findings of fact and
0527 enforcement order based upon such stipulation without the
0528 necessity of filing any formal charges or holding hearings in the
0529 case. An enforcement order based upon a stipulation may re-

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65-2841. Same; form of petitions. The following rules shall govern the form of the [petition] in such cases: (a) The board shall be named as plaintiff and the licensee as defendant. (b) The charges against the licensee shall be stated with reasonable definiteness. (c) Amendments may be made as in ordinary actions in the district court. (d) All allegations shall be deemed denied, but the licensee may plead to the [petition] if he so desires.

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History: L. 1957, ch. 343, § 41; July 1.

65-2842. Same; time and place of hearing; continuance. (a) Upon [the presentation] of the [petition] to the secretary of the board, he or she shall make an order fixing the time and place for the hearing which shall not be less than thirty (30) nor more than forty-five (45) days thereafter. Upon written request of the licensee, filed with the secretary of the board not less than ten (10) days after the licensee is served notice of the hearing, the secretary may grant, for good cause shown, a continuance of the hearing for a period not to exceed thirty (30) days from the original time fixed for the hearing. The secretary of the board shall notify promptly the licensee of the grant or denial of any request for a continuance.

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(b) Whenever the board directs, pursuant to subsection (m) of K.S.A. 65-2836 and amendments thereto, that a licensee submit to a mental or physical examination, the time from the date of the board's directive until the submission to the board of the report of the examination shall not be included in the computation of the time limit for hearing prescribed by subsection (a) of this section.

History: L. 1957, ch. 343, § 42; L. 1979, ch. 198, § 6; July 1.

65-2843. Same; service on licensee. Notice of the filing of such [petition] together with a copy thereof, and of the time and place of the hearing, shall be served upon the licensee at least twenty (20) days before said hearing. Said notice may be served by any person specially appointed by the secretary of the board. Said service may be made either upon the licensee personally, or by leaving at his or her usual place of residence or by certified mail with return receipt to the licensee's last known address.

action

History: L. 1957, ch. 343, § 43; L. 1976, ch. 273, § 19; Feb. 13.

0530 voke, suspend or limit the license of the licensee entering into
0531 such stipulation.

0532 The board may temporarily suspend or temporarily limit the
0533 license of any licensee, without notice or hearing, if the board
0534 determines that there is cause to believe that grounds exist under
0535 K.S.A. 65-2836 and amendments thereto, for the revocation,
0536 suspension or limitation of the license of a licensee and that the
0537 licensee's continuation in practice would constitute an immi-
0538 nent danger to the public health and safety. Simultaneously
0539 with any such action, the board shall institute proceedings for a
0540 hearing and, notwithstanding any provision of the Kansas heal-
0541 ing arts act to the contrary, such hearing shall be held no later
0542 than ~~fifteen (15)~~ 15 days from the date of such temporary
0543 suspension or temporary limitation of the license.

0544 A continuance of the hearing shall be granted by the secretary
0545 of the board upon the written request of the licensee, and such a
0546 continuance shall not exceed ~~thirty (30)~~ 30 days. A temporary
0547 suspension or temporary limitation order by the board shall take
0548 effect when served in person upon the licensee.

0549 In no case shall a temporary suspension or temporary limita-
0550 tion of a license under this section be in effect for a period of
0551 time in excess of ~~ninety (90)~~ 90 days. At the end of such period of
0552 time, the licensee shall be reinstated to full licensure unless the
0553 board has revoked, suspended or limited the license of the
0554 licensee after notice and hearing as otherwise provided in the
0555 Kansas healing arts act.

0556 New Sec. 13. If any part or parts of this act are held to be
0557 invalid or unconstitutional by any court, it shall be conclusively
0558 presumed that the legislature would have enacted the remainder
0559 of this act without such invalid or unconstitutional part or parts.

0560 Sec. ~~12~~ 14. K.S.A. 40-3402, 40-3408 and, 40-3415 [~~and~~] 65-
0561 2838 and K.S.A. 1983 Supp. 40-3403 and 40-3404 are hereby
0562 repealed.

0563 Sec. ~~13~~ 15. This act shall take effect and be in force from and
0564 after its publication in the statute book.

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65-2839, 65-2840, 65-2841, 65-2842 and 65-2843

HOUSE Substitute for SENATE BILL NO. 442

By Committee on Ways and Means

AN ACT concerning the workers' compensation fund; relating to financing the expenses of administration; amending K.S.A. 1983 Supp. 44-566a and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 44-566a is hereby amended to read as follows: 44-566a. (a) There is hereby created in the state treasury the workers' compensation fund. The workmen's compensation fund created by this section is hereby abolished, and on July 1, 1982, the director of accounts and reports shall transfer all moneys in the workmen's compensation fund to the workers' compensation fund. All amounts which are required to be paid out of the workmen's compensation fund for liability arising from injuries occurring prior to July 1, 1982, whether reduced to award or not, shall be paid out of the workers' compensation fund. The commissioner of insurance shall be responsible for administering the workers' compensation fund, and all payments from the workers' compensation fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of insurance or a person or persons designated by the commissioner. The commissioner of insurance annually shall report to the governor and the legislature the receipts and disbursements from the workers' compensation fund during the preceding fiscal year.

(b) (1) Each September the commissioner of insurance shall certify, with the commissioner's annual budget request, the amount of state general fund entitlement of the workers' compensation fund for the ensuing fiscal year. Such entitlement shall be equal to the sum of the amounts paid from the workers' compensation fund during the preceding fiscal year in payment of

awards made to handicapped employees in accordance with the provisions of K.S.A. ~~1982-Supp.~~ 44-569 and amendments thereto, including attorney fees, less the sum of the amounts deposited during the preceding fiscal year to the credit of the workers' compensation fund in accordance with the provisions of K.S.A. ~~1982--Supp.~~ 44-570 and amendments thereto, except that no state general fund entitlement for a fiscal year shall be more than \$4,000,000. For the purpose of providing funds to meet and pay awards made to handicapped employees, within appropriations therefor, there shall be transferred not later than July 1 each year, or more frequently by appropriation acts of the legislature, from the state general fund to the workers' compensation fund, the amount certified by the commissioner of insurance to be the entitlement of the workers' compensation fund from the state general fund, or a part thereof followed by supplemental certifications to complete the entitlement for each such fiscal year, subject to the limitation of a total amount of \$4,000,000 for any such fiscal year.

(2) On July 1 each year, the commissioner of insurance shall impose an assessment against all insurance carriers, self-insurers and group-funded workers' compensation pools insuring the payment of compensation under the workmen's compensation act, the proceeds of which shall be credited to the workers' compensation fund. The total amount of each such assessment shall be equal to an amount sufficient, in the opinion of the commissioner of insurance, to pay all amounts, including attorney fees and costs, which may be required to be paid from such fund during the current fiscal year, less amounts required to be transferred from the state general fund to the workers' compensation fund. The total amount of each such assessment shall be apportioned among those upon whom it is imposed, such that each is assessed an amount that bears the same relation to such total assessment as the amount of money paid or payable in workers' compensation claims by such insurance carrier, self-insurer or group-funded workers' compensation pool in the

immediately preceding calendar year bears to all such claims paid or payable during such calendar year. Not later than September 1 each year, the commissioner of insurance shall notify all such insurance carriers, self-insurers and group-funded workers' compensation pools of the amount of each assessment imposed under this subsection on such carrier, self-insurer or group-funded workers' compensation pool, and the same shall be due and payable on the October 1 following.

(3) The commissioner of insurance shall remit all moneys received by or for such commissioner under this subsection to the state treasurer. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the workers' compensation fund.

(c) (1) Whenever the workers' compensation fund may be made liable for the payment of any amounts in proceedings under the workmen's compensation act, the commissioner of insurance, in the capacity of administrator of such fund, shall be impleaded in such proceedings and shall represent and defend the workers' compensation fund. The commissioner of insurance shall be deemed impleaded in any such proceedings whenever written notice of the proceedings setting forth the nature of the liability asserted against the workers' compensation fund, is given to the commissioner of insurance. The commissioner of insurance may be made a party in this manner by any party to the proceedings. A copy of the written notice shall be given to the director and to all other parties to the proceedings.

(2) The director or administrative law judge shall dismiss the workers' compensation fund from any proceeding where the director has determined that there is insufficient evidence to indicate involvement by the workers' compensation fund.

(d) The commissioner of insurance, in the capacity of administrator of the workers' compensation fund, may make settlements of any amounts which may be payable from the workers' compensation fund with regard to any claim under the workmen's compensation act, subject to the approval of the director.

(e) The workers' compensation fund shall be liable for:

(1) Payment of awards to handicapped employees in accordance with the provisions of K.S.A. ~~1982-Supp.~~ 44-569 and amendments thereto;

(2) payment of workers' compensation benefits to an employee who is unable to receive such benefits from such employee's employer under the conditions prescribed by K.S.A. ~~1982-Supp.~~ 44-532a and amendments thereto;

(3) reimbursement of an employer or insurance carrier pursuant to the provisions of K.S.A. ~~1982--Supp.~~ 44-534a and amendments thereto, subsection (d) of K.S.A. ~~1982-Supp.~~ 44-556 and amendments thereto, subsection (c) of K.S.A. ~~1982--Supp.~~ 44-569 and amendments thereto and K.S.A. ~~1982-Supp.~~ 44-569a and amendments thereto; and

(4) payment of the actual expenses of the commissioner of insurance which are incurred for administering the workers' compensation fund, subject to the provisions of appropriations acts; and

(5) any other payments or disbursements provided by law.

(f) If it is determined that the workers' compensation fund is not liable as described in subsection (e) ~~of this section~~, attorney fees incurred by the workers' compensation fund may be assessed against the party who has impleaded the workers' compensation fund other than impleadings pursuant to K.S.A. ~~1982 Supp.~~ 44-532a and amendments thereto.

(g) The legislature shall provide for the implementation of the workers' compensation fund as provided in this section and shall be responsible for ensuring the fund's adequacy to meet and pay claims awarded against it.

Sec. 2. K.S.A. 1983 Supp. 44-566a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

3-15-84

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that Senate Bill No. 442

"AN ACT concerning the workers' compensation fund; relating to financing the expenses of administration; amending K.S.A. 1982 Supp. 44-566a and repealing the existing section."

Be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 442", as follows:

"HOUSE Substitute for SENATE BILL No. 442

By Committee on Ways and Means

"AN ACT concerning the workers' compensation fund; relating to financing the expenses of administration; amending K.S.A. 1983 Supp. 44-566a and repealing the existing section.";

And the substitute bill be passed.

Chairperson

3-15-84

adog

HOUSE Substitute for SENATE BILL NO. 442

By Committee on Ways and Means

AN ACT concerning the workers' compensation fund; relating to financing the expenses of administration; amending K.S.A. 1983 Supp. 44-566a and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 44-566a is hereby amended to read as follows: 44-566a. (a) There is hereby created in the state treasury the workers' compensation fund. The workmen's compensation fund created by this section is hereby abolished, and on July 1, 1982, the director of accounts and reports shall transfer all moneys in the workmen's compensation fund to the workers' compensation fund. All amounts which are required to be paid out of the workmen's compensation fund for liability arising from injuries occurring prior to July 1, 1982, whether reduced to award or not, shall be paid out of the workers' compensation fund. The commissioner of insurance shall be responsible for administering the workers' compensation fund, and all payments from the workers' compensation fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of insurance or a person or persons designated by the commissioner. The commissioner of insurance annually shall report to the governor and the legislature the receipts and disbursements from the workers' compensation fund during the preceding fiscal year.

(b) (1) Each September the commissioner of insurance shall certify, with the commissioner's annual budget request, the amount of state general fund entitlement of the workers' compensation fund for the ensuing fiscal year. Such entitlement shall be equal to the sum of the amounts paid from the workers' compensation fund during the preceding fiscal year in payment of

awards made to handicapped employees in accordance with the provisions of K.S.A. ~~1982-Supp.~~ 44-569 and amendments thereto, including attorney fees, less the sum of the amounts deposited during the preceding fiscal year to the credit of the workers' compensation fund in accordance with the provisions of K.S.A. ~~1982--Supp.~~ 44-570 and amendments thereto, except that no state general fund entitlement for a fiscal year shall be more than \$4,000,000. For the purpose of providing funds to meet and pay awards made to handicapped employees, within appropriations therefor, there shall be transferred not later than July 1 each year, or more frequently by appropriation acts of the legislature, from the state general fund to the workers' compensation fund, the amount certified by the commissioner of insurance to be the entitlement of the workers' compensation fund from the state general fund, or a part thereof followed by supplemental certifications to complete the entitlement for each such fiscal year, subject to the limitation of a total amount of \$4,000,000 for any such fiscal year.

(2) On July 1 each year, the commissioner of insurance shall impose an assessment against all insurance carriers, self-insurers and group-funded workers' compensation pools insuring the payment of compensation under the workmen's compensation act, the proceeds of which shall be credited to the workers' compensation fund. The total amount of each such assessment shall be equal to an amount sufficient, in the opinion of the commissioner of insurance, to pay all amounts, including attorney fees and costs, which may be required to be paid from such fund during the current fiscal year, less amounts required to be transferred from the state general fund to the workers' compensation fund. The total amount of each such assessment shall be apportioned among those upon whom it is imposed, such that each is assessed an amount that bears the same relation to such total assessment as the amount of money paid or payable in workers' compensation claims by such insurance carrier, self-insurer or group-funded workers' compensation pool in the

immediately preceding calendar year bears to all such claims paid or payable during such calendar year. Not later than September 1 each year, the commissioner of insurance shall notify all such insurance carriers, self-insurers and group-funded workers' compensation pools of the amount of each assessment imposed under this subsection on such carrier, self-insurer or group-funded workers' compensation pool, and the same shall be due and payable on the October 1 following.

(3) The commissioner of insurance shall remit all moneys received by or for such commissioner under this subsection to the state treasurer. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the workers' compensation fund.

(c) (1) Whenever the workers' compensation fund may be made liable for the payment of any amounts in proceedings under the workmen's compensation act, the commissioner of insurance, in the capacity of administrator of such fund, shall be impleaded in such proceedings and shall represent and defend the workers' compensation fund. The commissioner of insurance shall be deemed impleaded in any such proceedings whenever written notice of the proceedings setting forth the nature of the liability asserted against the workers' compensation fund, is given to the commissioner of insurance. The commissioner of insurance may be made a party in this manner by any party to the proceedings. A copy of the written notice shall be given to the director and to all other parties to the proceedings.

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(1) Payment of awards to handicapped employees in accordance with the provisions of K.S.A. ~~1982-Supp.~~ 44-569 and amendments thereto;

(2) payment of workers' compensation benefits to an employee who is unable to receive such benefits from such employee's employer under the conditions prescribed by K.S.A. ~~1982-Supp.~~ 44-532a and amendments thereto;

(3) reimbursement of an employer or insurance carrier pursuant to the provisions of K.S.A. ~~1982--Supp.~~ 44-534a and amendments thereto, subsection (d) of K.S.A. ~~1982-Supp.~~ 44-556 and amendments thereto, subsection (c) of K.S.A. ~~1982--Supp.~~ 44-569 and amendments thereto and K.S.A. ~~1982-Supp.~~ 44-569a and amendments thereto; ~~and~~

(4) payment of the actual expenses of the commissioner of insurance which are incurred for administering the workers' compensation fund, subject to the provisions of appropriations acts; and

(5) any other payments or disbursements provided by law.

(f) If it is determined that the workers' compensation fund is not liable as described in subsection (e) ~~of this section~~, attorney fees incurred by the workers' compensation fund may be assessed against the party who has impleaded the workers' compensation fund other than impleadings pursuant to K.S.A. ~~1982 Supp.~~ 44-532a and amendments thereto.

(g) The legislature shall provide for the implementation of the workers' compensation fund as provided in this section and shall be responsible for ensuring the fund's adequacy to meet and pay claims awarded against it.

Sec. 2. K.S.A. 1983 Supp. 44-566a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

IRA M. HART III
Mayor

CLAUDE W. WALLACE
Vice-Mayor

COMMISSIONERS:
R. L. PULLIAM
DON L. MASON
RONALD L. KINSLER

CITY OF KINGMAN

Regular meetings every second, fourth and fifth
Thursday of each month.

PHONE 532-3111
P. O. BOX 168
Kingman, Kansas 67068

Paul Kalmar
ROBERT S. WUNSCH
City Attorney

PAUL KALMAR
Chief of Police

MILDRED BOSWELL
City Clerk

BEN PAYTON
Supt. of Utilities

FRANK SMITH
Supt. of Streets

Testimony
by
Paul S. Kalmar, Chief
Kingman Police Department
before the
House Ways and Means Committee
on
March 15, 1984
on
House Bill 2856
Law Enforcement Training

3

Mr. Chairman, Committee Members:

I first want to thank you for the opportunity to be here today to present our problems and ideas in relation to the Law Enforcement Training Act.

I would like to introduce the people I brought with me. Dennis Foltz, C G I, from Pratt, Monty Rickard, Chief of Police from Medicine Lodge, R. Jene Allen, Sheriff from Comanche County, Marion Cox, Sheriff from Wabaunsee County, Jan Smith, Deputy Sheriff from Norwich, and Joseph Rankin, Chief of Police from Oxford. Chief Rickard will talk about the communications problem with Kansas Law Enforcement Training Center and the Law Enforcement Training Commission. Sheriff Allen will talk about how this Act effects a truly SMALL department. Dennis Foltz will talk about the effects of mandates on rural local governments and some possible mechanisms to deal with them.

Initiially let's look at the forty hour requirement. I have checked with other professions that are just as complex and open to liability as ours . Medical Doctors are required to have 300 hours of training over a six year period, an average of fifty hours per year. Registered Nurses must have thirty hours over a two year period, or fifteen hours per year. These are hour for hour ie: two hour lecture - two hours credit. Emergency Medical Technicians currently must have twelve hours of training per year, and these hours are their content are strictly mandated by Kansas University Medical Center, the State EMS Council, and the Office of EMS. We are concerned that Law Enforcement Continuing Education is going to follow the same pattern that the EMT program did. Each sucessive year the course content, number of hours, and who the instructor could be got progressively more restrictive. At the present time Attorneys in Kansas are not required to have any extra training.

I feel confident that a twenty hour per year training program for Law Enforcement would be sufficient.

Next let's look at the cost of putting on a forty hour program. We feel that most of the input on this came from the larger departments in the state. These departments already have the necessary equipment, movie projectors, films, overhead projectors, hand out material, range's, ammunition, etc., on hand because of a large training budget. The small

departments must either rent, buy or try to borrow these materials and equipment with a very small if any training budget. Some departments have a hard time getting money to buy practice ammunition. The people of small towns are now taxed to the limit just to have what they have.

If it is possible, can the State put an additional fee of \$1.00 to \$2.00 on each traffic ticket issued in order to help fund the Training Act? In 1981 the Commission on Federal & State Affairs received testimony from various Law Enforcement groups across the state on this subject. The majority of the groups felt that this was the answer to help fund training programs across the state.

We are requesting that the State pay the expenses of sending officers from the small departments, unable to put on their own training program, to other agencies or the KLETC in order to get the mandated training. We not only have to pay these costs but also the cost of overtime for another officer to work his shift.

Third, let's look at the makeup of the Law Enforcement Training Commission. The Commission is made up of the right kind of people, but they are not an accurate representation of departments across the state. Of the twelve members, only two are from departments west of highway 81. We feel that because of this, most of the input came from large departments. More than 71% of the departments in Kansas have fewer than twelve full time sworn officers. It is our desire to have the small departments better represented on the Training Commission. Kansas is a rural state, so let's have more input from the rural departments.

Fourth, let's look at the eighty hour basic training for Part Time Officers. Most of the Part Time Officers have a full time job in addition to law enforcement. How are these people going to explain to their boss that they need to be off work for two weeks so they can be a part time law enforcement officer. These people are not going to want to spend their vacation time going to school for two weeks, just to work a few hours on the weekend. We small departments are not staffed to put on a eighty hour basic course, nor do we have the necessary hand-outs for them. We also can't afford to send them away to get this training.

We are asking you to please give us more time in which we can try to give them these eighty hours.

I would like to end my testimony by saying, we are not against continuing education in law enforcement. If these problems and recommendations are duly considered and implemented, we will have a much more workable system that all agencies can live with, no matter what the size. We are all dedicated professionals that are striving to do the best job we can to protect and serve the people in our chosen profession, LAW ENFORCEMENT.

Thank you,

Rickard

TESTIMONY

OF

CHIEF: L. MONROE RICKARD

MEDICINE LODGE POLICE DEPARTMENT

BEFORE STATE HOUSE

WAYS & MEANS COMMITTEE

MARCH 15, 1984

TOPIC: CONTINUED POLICE TRAINING SCHEDULE

(4)

TRAINING ACADEMY

1. MAKING CLEAR WHAT IS NEEDED FROM EACH DEPARTMENT.
2. SENDING ENOUGH FORMS TO COMPLY WITH THERE REQUESTS.
3. HAVE SET AND CLEAR RULES WHO CAN INSTRUCT THE COURSES.

TRAINING COMMITTEE

1. WHEN: GIVE US ENOUGH ADVANCE NOTICE WHEN THE MEETING ARE TO BE HELD.
2. WHERE: TRY TO SET THE MEETING AT A CENTRAL LOCATION IN THE STATE.
3. WHAT: LET US KNOW WHAT IS TO BE COVERED AT EACH MEETING, SO WE CAN PLAN FOR IT.
4. HOW: LET US KNOW HOW THE MEETING CAME OUT AND WHAT POLICIES WERE PASSED.

TESTIMONY

by

Dennis R. Foltz
Executive Director

Administrative Coordinating Board
Chikaskia, Golden Belt, and Indian Hills
Associations of Local Governments

BEFORE THE

House Committee on Ways and Means

Regarding House Bill 2856
Law Enforcement Training

I am happy to appear today to provide information regarding the proposed legislation.

For the past 11½ years, I have been Executive Director of the Associations of Local Governments, headquartered in Pratt. As you may know, the 12 county area which our organization serves is virtually all very rural, with only 118,000 persons and only one city of over 10,000 population. In fact, only three cities are over 5,000 population.

During my tenure with the Associations, I have observed many State mandates that have been for the most part thrust upon cities and counties. Most of these are in the forms of laws, but some manifest themselves as regulations.

Having gained the early part of my professional experience in working for State government, it has never been my opinion that State government has the intent of usurping the role of its local governments, or making it impossible through the imposition of mandates for local government to function. Rather it has been my observation that as a problem or need arose that was not unilaterally addressed by local government, the State, once it became aware of the

problems, would seek to resolve it. The State must normally rely upon statewide organizations and/or testimony to help develop or "test" their solution.

Unfortunately, rural small local governments are often left out. They are left out of the state organizations because they do not have the available time or money to be heavy participators. For some of the same reasons, they often are not heavily involved in the legislative process and therefore, either are somewhat intimidated or unable to participate in testimony. I would also venture a guess that since many of the problems are first identified in urban areas, legislative awareness of these problems is greatest in urban areas and our rural legislators, even though they are vitally interested and would in no way act to overly burden their constituent local units of governments, are not normally faced with local government issues as a high priority.

Mandates, then, can be very well intentioned but extremely burdensome to rural local governments. Our Associations of Local Governments have tried to assist our cities and counties in dealing with mandates as they occurred. For example, we responded to the solid waste management mandate by assisting our counties in developing solid waste plans. We responded to the EMS training mandate by assisting in setting up the Region three EMS Councils which has as one of its primary objectives emergency medical services training in the rural area. We have helped several third class cities with their budgeting processes, although this continues to be an extremely difficult area. In the area of law enforcement training, as early as the summer of 1982, we attended a meeting of the Law Enforcement Training Committee to try to ascertain the specifics of the mandate. We met with Mr. Brazile at the Law Enforcement Training Academy to try to assess certification requirements. We included in our legislative policies for 1983, a recommendation that assistance be provided on an areawide basis for setting up, coordinating, and providing training. We have had meetings of our criminal justice advisory committees to try to assess local training

needs and possible ways of getting the training delivered on an outreach basis by cooperative efforts. Our 1984 Legislative Policies discussed the problems we were encountering and included many of the recommendations included in the legislation being discussed here today.

You have heard some of the practical impacts of these training requirements from these gentlemen's testimony. They are a perfect example of how a seemingly ideal mandate can have serious consequences if the mechanisms for delivery of the mandate are not carefully thought out before they are put into place. What we are talking about in this case is a continuing education program on a broad scale especially in rural areas. This needs to be an education program that is provided on an outreach basis. In fact, attendance of some classes may be very small. I honestly believe that if the legislature had had the opportunity to hear testimony such as that provided by these law enforcement officers today, the committee hearing the original legislation might have approached it a little differently. If the Law Enforcement Training Committee included persons who were truly representative of small rural departments, I have to believe that their position might have been slightly different.

I have one other comment regarding mechanisms. A few years ago, a member of this committee introduced legislation that would have required the Governor of this State to establish a system of substate districts that were coordinated for multiple functions. In States where this has been accomplished, such as Texas, Georgia, and Kentucky, the ability of local governments to mobilize resources to deal with issues such as the one we are discussing today is greatly improved. In Texas, for example, a portion of fines is allocated for criminal justice training carried out on a regional basis. I would hope that at some time our legislators could find it expedient to once again consider the type of legislation introduced by Representative Hamm a few years ago and consider assisting in the establishment of coordinated areawide organizations to aid, especially

our rural local governments, in participating more fully in the intergovernmental process and in cooperatively dealing with the increasing requirements of government in a modern society.

I would be happy to respond to questions.



WAMEGO POLICE DEPARTMENT

428 LINCOLN
P.O. BOX 86
WAMEGO, KANSAS 66547
PHONE 456-9553



KENNETH W. SEAGER, Chief of Police

14 March 1984

Representative Robert Wunsch
Kansas Legislature
Sir,

I am Kenneth W. Seager, Chief of Police, City of Wamego, Kansas and I appreciate the opportunity to provide input to HB 2856. As Chief of Police of a City of the Second Class, I feel that the requirements the State has established for the training of police officers is very good, but I also feel that this bill is not the answer for departments of Second and Third Class Cities.

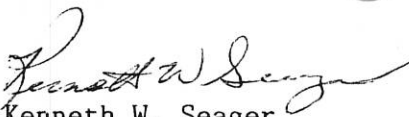
This bill states that the State will pay for expenses incurred by an officer traveling to and from and attending courses of instruction conducted at the Law Enforcement Training Center or at a certified state or local law enforcement training school. This is fine, but it does not address the small department that is on a very limited budget, who must pay the officer while he/she is attending training as well as pay a relief officer to fill the temporary vacancy on the department.

I feel the Legislature should be addressing the 320-hour Basic Course and the forty-hour annual training requirement and how the State can assist the departments of Second and Third Class Cities in meeting these requirements financially.

An additional problem for a department this size is paying the officers while they are attending annual training and the cost of training supplies. Attached is this department's annual training curriculum. Our forty-hour annual requirement is taken from this schedule. Obtaining qualified instructors from the local Judiciary, Highway Patrol, K.B.I. and other Police Departments is not a problem. I suggest that the Legislature be looking at how the State may help off-set the cost of this training, either financially or by setting up and conducting a refresher training course such as the Highway Patrol conducts at Salina.

Attached is the projected cost of training for this department for 1984. Our training cost without sending an officer to the academy is still in excess of Three Thousand Dollars. This is a sizable sum of money for a department this size, especially when there is such a tremendous need to upgrade and maintain our equipment.

Thank you for your consideration.


Kenneth W. Seager
Chief of Police

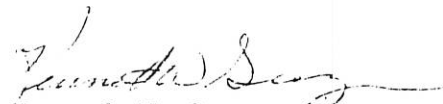
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EMERGENCY DIAL 911

WAMEGO POLICE DEPARTMENT
ANNUAL TRAINING CURRICULUM

The annual training curriculum for salaried Police Officers of the Wamego Police Department consist of a total of sixty-two (62) hours. As Kansas Law has mandated that a police officer attend forty (40) hours annual training, this forty (40) hour requirement will be taken from the department's training curriculum. The subjects to be presented will be determined by the Chief of Police after conferring with the Department Training Officer.

Attending the department's training classes will not preclude officers from attending training sessions with other departments or attending other conferences and seminars.


Kenneth W. Seager
Chief of Police

WAMEGO POLICE DEPARTMENT
ANNUAL TRAINING CURRICULUM

LAW	HOUR(S)	
Kansas Criminal Code and Procedures		
Kansas Traffice Code	4	
Kansas Juvenile Code and Procedures		
Laws of Arrest, Search and Seizure	4	
Civil and Criminal Liabilities	1	
Local Ordinances or Civil Processes	<u>2</u>	11 Hours
 <u>POLICE PATROL PROCEDURES</u>		
Introduction to Patrol	2	
Crowd Control/Chemical Agents	1	
Mechanics of Arrest	2	
EVOC	1	
Criminal Justice Information Systems	1	
Vehicle Stops	3	
Building Searches	1	
Crimes in Progress Calls	1	
Crime Prevention	<u>1</u>	13 Hours
 <u>POLICE INVESTIGATION PROCEDURES</u>		
Collection, Recording and protecting Physical Evidence	3	
Accident Investigation Reporting	<u>4</u>	7 Hours

HUMAN RELATIONS

Interpersonal Communications General
(Conflict Management)

2

Interpersonal Communications Family
(Crisis Intervention)

2

4 Hours

DEMONSTRATABLE PROFICIENCY AREAS

Defensive Tactics

2

* Firearms

8

Report Writing

1

11 Hours

** EMERGENCY CARE

Cardiopulmonary Resuscitation

8

First Aid

8

16 Hours

62 Hours

* FIREARMS: Each officer will qualify semi-annually.

** CPR/FIRST AID: Each officer will certify annually.

Officers from this department will attend these classes when they are scheduled.

Each officer on this department must complete forty (40) hours training annually to maintain their employment with this department. This training includes FIREARMS QUALIFICATION AND EMERGENCY CARE CERTIFICATION.

WAMEGO POLICE DEPARTMENT
PROJECTED ANNUAL TRAINING COST
1984

Forty-hours annual training at present wages:		
Five full time officers/Two relief officers at an average of \$6.80 Per Hour for 320 hours		\$2176.00
One Officer to State Academy	Wages \$6.20/Hour Mileage/Meals	\$ 992.00 \$ 500.00
Other Training and Travel		\$ 400.00
Training Supplies: Ammo/Targets/Films/Manuals, etc.		<u>\$ 500.00</u>
	TOTAL	\$4568.00

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that House Bill No. 2760, As Amended by House
Committee

"AN ACT concerning the nuclear energy development and radiation control act; amending K.S.A. 48-1601, 48-1603, 48-1604, 48-1607, 48-1608, 48-1609, 48-1610, 48-1611, 48-1612, 48-1613 and 48-1615 and repealing the existing sections."

Be amended by adoption of the amendments recommended by the House Committee on Energy and Natural Resources and the bill, as printed with amendments by House Committee, be further amended:

On page 8, following line 297, by inserting the following:

"Sec. 4. K.S.A. 48-1606 is hereby amended to read as follows: 48-1606. (a) The secretary of health and environment shall be responsible for state radiation control.

(b) The secretary, for the protection of the public health and safety, shall develop programs for evaluation of hazards associated with use of sources of radiation.

(c) The secretary may:

(1) Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of radiation;

(2) accept and administer grants or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(3) collect and disseminate information relating to control of sources of radiation;

(4) encourage, participate in, or conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation;

(5) in accordance with the laws of the state, employ,

compensate and prescribe the powers and duties of such individuals as may be necessary to carry out the responsibilities set forth herein;

(6) institute training programs for the purpose of qualifying personnel to carry out the provisions of this act, and make personnel available for participation in any program or programs of the federal government, other states or interstate agencies in furtherance of the purposes of this act; and

(7) fix, charge and collect fees for licenses and registrations, and renewals thereof, issued under the nuclear energy development and radiation control act to cover all or any part of the cost of administering such act.

(d) The secretary shall adopt rules and regulations fixing the fees ~~under--paragraph--(7)--of--subsection--(e)~~ for each radioactive hazardous waste disposal facility which shall be not more than \$300,000 annually. The fees shall be deposited in the state treasury and credited to the state general fund.";

By renumbering sections 4 through 18 as sections 5 through 19, respectively;

On page 21, in line 762, before "48-1607", by inserting "48-1606,";

On page 1, in the title, in line 19, before "48-1607", by inserting "48-1606,";

And the bill be passed as amended.

Chairperson

PROPOSED REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that House Bill No. 2740
(As Amended by House Committee)

"AN ACT relating to hazardous wastes; amending K.S.A. 1983 Supp. 65-3430, 65-3431, 65-3432, 65-3433, 65-3435, 65-3436, 65-3437, 65-3439, 65-3441, 65-3442, 65-3443, 65-3444, 65-3445 and 65-3446 and repealing the existing sections; also repealing K.S.A. 1983 Supp. 65-3448."

Be amended:

On page 24, in line 883, by striking "willfully, wantonly or recklessly" and inserting "knowingly";

And the bill be passed as amended.

Chairperson

3-15-85

CRH2740k1

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that House Bill No. 2740, As Amended by House
Committee

"AN ACT relating to hazardous wastes; amending K.S.A. 1983 Supp. 65-3430, 65-3431, 65-3432, 65-3433, 65-3435, 65-3436, 65-3437, 65-3439, 65-3441, 65-3442, 65-3443, 65-3444, 65-3445 and 65-3446 and repealing the existing sections; also repealing K.S.A. 1983 Supp. 65-3448."

Be amended by adoption of the amendments recommended by the House Committee on Energy and Natural Resources and the bill, as printed with amendments by House Committee, be further amended:

On page 24, in line 883, by striking "willfully, wantonly or recklessly" and inserting "knowingly";

And the bill be passed as amended.

Chairperson



Kansas Association of Osteopathic Medicine

March 14, 1984

To: Chairman and Members, House Ways and Means Committee

From: Kansas Association of Osteopathic Medicine, Buddy L. Hulsman, D.O., President (Parsons; Harold E. Riehm, Executive Director

Subject: Support for Passage of SB 507

The Kansas Association of Osteopathic Medicine supports passage of SB 507. KAOM was one of several medical provider groups that met many times with the Insurance Commissioner throughout the interim to discuss alternatives for addressing the problems of the Health Care Stabilization Fund, the need for greater policing of providers, and the discoverability of peer review records.

SB 507 is a compromise bill. Some of its contents will cause physicians to incur greater costs and greater licensing scrutiny. Yet KAOM supports this measure because it appears to be a reasonable way of insuring the financial viability of the Fund and enhancing the self-policing and Board of Healing Arts policing of those licensed to practice.

The section dealing with nondiscoverability of peer review records deserves passage. While it does provide confidentiality for peer review, this is tempered by provisions that permit such records to be in the public domain at a defined stage of the Board's investigation.

In support of SB 507, KAOM wishes to express its appreciation to the Kansas Legislature for its past and present efforts to work with provider groups in resolving the difficult problems of malpractice insurance. This is a fine example of private and public cooperation which serves well the citizens of Kansas.

7

1325 TOPEKA BOULEVARD
TOPEKA, KANSAS 66612, (913) 234-5563
HAROLD E. RIEHM, EXECUTIVE DIRECTOR



Donald A. Wilson
President

March 15, 1984

To: Members of the House Ways and Means Committee

Re: Senate Bill No. 507

Dear Mr. Chairman and Members of the Committee:

The Kansas Hospital Association did not have an opportunity to respond to the comments of the representative of the Kansas Trial Lawyers Association in which he expressed opposition to S.B. 507. We feel it important to emphasize that KHA does not support the amendments proposed by the KTLA.

For many years, peer review committees of hospitals operated under regulations of the Department of Health and Environment, which provided that the records of such proceedings were confidential. In September of 1983, this was changed by a decision of the Kansas Supreme Court. Since that time, hospitals have been repeatedly subjected to subpoenas by plaintiffs' attorneys seeking such records. On occasion, subpoenas have been received for records pertaining to a physician who is merely serving as a treating or examining physician in a lawsuit unrelated to medical malpractice, and the argument has been made that such records are relevant to the action because they show the competency of the physician who is going to be a witness.

From many experiences, the hospitals know that candid and critical discussions will not occur in such an atmosphere. Physicians who serve on such committees ordinarily do so without compensation and with no expectation of personal gain. It is a service to the community which they are performing.

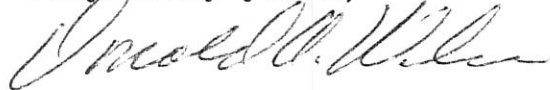
The amendment proposed by the KTLA would do nothing to eliminate the chilling effect of the threat of subpoena. As these attorneys know, an argument can be made in any case of "exceptional circumstances..." and there would be no way that physicians could be assured of confidentiality so that the basic purposes of the legislation would not be accomplished.

The peer review records from Wichita were examined by the Senate Ways and Means Committee, which then passed out the bill unanimously with two abstentions. It then passed the Senate 36-2.

As the Supreme Court observed, legislative action is necessary if such records are to be protected from inappropriate disclosure.

It was suggested that the records would be available anyway by an attorney just filing a complaint to obtain the records from the Board of Healing Arts, and it was rather facetiously suggested that the proposed amendment would actually be helpful to the health care providers. This is not the case, and the KHA urges passage of S.B. 507 without the amendment proposed by KTLA.

Very truly yours,



Donald A. Wilson
President