

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANSThe meeting was called to order by Senator Paul Hess at
Chairperson11:00 a.m./p.m. on March 21, 1984 in room 123-S of the Capitol.All members were present except:
Senators Bogina and SteinegerCommittee staff present:
Research Department: Mary Galligan, Lynne Holt, David Monical
Revisor's Office: Norman Furse
Committee Office: Doris FagerConferees appearing before the committee:
Barbara Sabol, Secretary, Department of Health and Environment
Major Stuart Elliott, Highway Patrol
Ted McFarland, Advisor Council of Emergency Medical Services
Dave Nachtigal, Hiawatha, State EMS Council
Loren Kasper, Region IV EMS Council, Clay County
Joseph Moreland III, Region III EMS Council
Daris McCankie, Region I, EMS Council
Tuck Duncan, Medivac Mid-America
Bob Prewitt, Region II EMS, Southwest KansasSB 861 - Income Tax Credit for Military Retirement BenefitsMotion was made by Senator Werts and seconded by Senator Bogina to report SB 861 favorably for passage, and to request that it be placed on the Consent Calendar. The motion carried by roll call vote.SB 752 - EMS Council, Functions limited to advisory
SB 831 - Office of EMS transferred to Kansas Highway Patrol

Ms. Sabol offered combined testimony for the two proposals. On SB 752, she stated that if EMS is to remain in the Department of Health and Environment, her department would support it. She noted that she questions the words "and consent" on lines 122 and 123, and suggested they should be deleted.

Secretary Sabol assured the committee that if SB 831 passes, her department will do everything they can to make sure there is an effective transfer to the Highway Patrol. When asked by Senator Gaines what, in her opinion, would be in the best interests of the state, Ms. Sabol said EMS has historically been a part of health services. However, she said other states have placed this service in agencies like Highway Patrol or Public Safety. She said that, regardless of where it is placed, the agency head will give it full attention. She assured the committee that she is neutral concerning where it should be placed.

During ensuing discussion, Ms. Sabol was questioned about EMS and the relationship to hospitals. She said EMS must take an increasing role if the medium sized hospitals are lost. She stressed that the Legislature must look at the overall plan for the EMS community system and how it must respond to changing health care environment.

Senator Hess asked if EMS should be placed under a Public Safety Agency being discussed, or remain where it is. Ms. Sabol said an argument could be made either way; but stressed that wherever it is, it is a part of the health care network and must be preserved as such. When asked by Senator Gaines what is a good way of funding emergency medical services, Ms. Sabol said the changes in the system at this time indicate to her that the State General Fund must be used to ensure that all areas of the state are serviced.

Major Elliott distributed Attachment A. In addition to that statement, he said the housing of personnel of the emergency medical services should be addressed. He further stated that the Highway Patrol has been deeply involved in EMS and support them especially in communities in the western half of the state.

SB 752 - Continued

SB 831 - Continued

Senator McCray expressed concern about the EMS having proper insurance coverage, regardless of whether they are with the Highway Patrol or the Department of Health and Environment.

Mr. McFarlane distributed his written testimony concerning SB 752 and SB 831 (Attachment B). Following his presentation, Senator Werts asked how he would feel about reducing the Council's function to advisory. Mr. McFarlane answered that the track record of the Council proves it can function and should be given more responsibility and not less. He said the Superintendent of the Highway Patrol should be involved only in the law enforcement problems and the Council with the health problems.

There was discussion concerning the transfer of EMS from the Department of Health and Environment to the Highway Patrol. Mr. McFarlane stressed that his agency would support being in any department so long as the structure in SB 831 is adopted. When asked what the ultimate solution might be, Mr. McFarlane suggested that EMS be a free-standing Board which would answer directly to the Legislature. Senator Gaines asked if EMS could be under the Board of Healing Arts. Mr. McFarlane said that would be similar to past proposals by EMS. He stressed that the policies should be controlled by the professionals in the field.

Mr. Nachtigal appeared in support of SB 831 and in opposition to SB 752. (See Attachment C) There was discussion concerning compensation and training of emergency medical technicians. It was revealed that the large majority of technicians are volunteers; and those receiving compensation make somewhere between \$14,000 and \$18,000 annually. Mr. Nachtigal said EMT's are trained through the University of Kansas medical training program.

When asked by Senator Werts what he would think about being under the umbrella of the Fire Marshall, Mr. Nachtigal said that hasn't been considered. Senator Werts responded that a number of firemen are EMT's. Mr. Nachtigal stressed that the EMS Council should be policy making, no matter where it is placed departmentally.

Mr. Kasper appeared in favor of SB 831 and in opposition to SB 752. (Attachment D) There were questions from members of the committee.

Mr. Moreland appeared in favor of SB 831 and in opposition to SB 752. (Attachment E) There was a brief discussion concerning the testimony of Mr. Moreland.

Mr. McCankie appeared in support of SB 831 (See Attachment F). There were several questions asked by committee members.

Mr. Prewitt appeared in support of SB 831. (See Attachment G) He stressed that the policy-making must remain with the EMS, and not with another department. In answer to questions from the committee, he said he could see EMS as a third public safety service. The others are law enforcement and fire departments. He added that EMS cannot operate without the input of the medical community.

Letters were left from various people in the Southwest Kansas area. These are made part of these minutes.

Mr. Duncan explained that he is speaking strictly for the operator who has membership in these groups. He said that Medivac is working with law enforcement with regard to the first responder system, and also with the Health Department. He stressed that the autonomy and regulatory authority of the EMS Council is extremely important. He indicated that it appears EMS may not be welcome in the Department of Health and Environment unless SB 752 is passed. He said Medivac does not accept SB 752 under those conditions.

Mr. Duncan suggested SB 831 may be a step in the right direction. In spite of the fact that the Highway Patrol is indicating they do not want EMS under their umbrella unless they can have a clear line of administrative authority, Mr. Duncan said if the fiscal implications could be worked out, perhaps the transfer could be tried for one year.

Following discussion and questioning by members of the committee, the meeting was adjourned. No action was taken on SB 752 and SB 831.

Summary of Testimony
Senate Bill 831
Before the Senate Ways and Means Committee

by Major Stuart A. Elliott
Kansas Highway Patrol

March 21, 1984

The Kansas Highway Patrol wishes to convey a position of neutrality concerning the general concept of transferring the Office of Emergency Medical Services from the Department of Health and Environment to the Patrol. We neither encourage or discourage the enactment of SB 831.

The Patrol requests that legislative consideration of this bill be tempered with a concern that proven management principles are discarded by the proposed organizational structure of the Office of Emergency Medical Services under the direct administration of the EMS Advisory Council, but "within and as a part" of the Patrol. Our practical expectation is that the (Patrol) Superintendent will assume a responsibility for emergency medical services in Kansas, with little or no ability to exercise control of policy, personnel, budgeting, training, fees or licensure.

We have developed a respect for health and EMS professionals during our fifteen (15) years of 100% commitment to providing emergency care to the public. At the same time, our concern for reasonable and effective management would cause us to recommend that the role of the EMS Council should be one of strong advice and counsel, similar to the statutory provision for law enforcement training in Kansas.

Our concern for burdening our already over-taxed accounting section and resolution of housing the Office of EMS are addressed in the fiscal note filed with the Budget Division.

A
3-21-84
11:00 a.m.

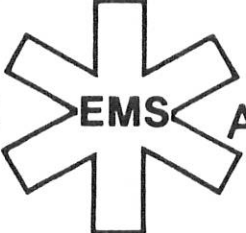
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TED McFARLANE, Chmn.
225 Maine St.
Lawrence, Ks. 66044
(913) 843-7777

JAY SCOTT EMLER, Sec.
Lindsborg (913) 227-3355

DAVID DENN
Coffeyville (913) 227-1200

RICHARD KINSMAN, Treas.
Manhattan (913) 539-3535

KANSAS
ASSOCIATION of  EMS ADMINISTRATORS

March 21, 1984

TO: Senate Committee on Ways and Means

REFERENCE: Senate Bill 831 and 752

My name is Ted McFarlane and I am speaking for 50 Kansas Emergency Medical Service administrators whose services provide prehospital emergency care for more than 70% of the Kansas population. Our membership considered both Senate Bill 831 and 752 at our March meeting. They have instructed me to convey to you their unanimous support for Senate Bill 831 and opposition to Senate Bill 752. These two bills provide two distinct opposite approaches to how the state should be involved in EMS. Both would change the current approach. Senate Bill 752 vests all the power and responsibility in the Department of Health and Environment. It makes the current EMS Council strictly ADVISORY. Senate Bill 831 gives the EMS Council most of the policy making decisions and essentially makes it autonomous. It also moves the Council and EMS Office to the Kansas Highway Patrol because the Department of Health and Education doesn't want it unless the advisory concepts of Senate Bill 752 are adopted.

B
3-21-84
11:00 a.m.

Today, Kansas is a leader in this country in providing quality EMS. But, EMS development in Kansas has taken on the characteristics of a typical mile race. Kansas is the rabbit. The participant who starts fast but loses his lead at the last because he is unable to sustain it. The rabbit is looking over his shoulder now; about to be passed by mediocrity. Senate Bill 831 will rejuvenate Kansas EMS because it will give the control to those EMS professionals who are eager to make Kansas the EMS champion instead of an also ran.

This issue is not one of just reorganization of a state administrative function. The EMS Council and State Office provide the catalyst for change in this field. If the Council and Office are active and vital positive changes will occur. Unlike many regulatory bodies the EMS Council speaks for the professionals in the field. The attendance at the Council meetings by both members and guests is remarkable. I am not aware of a lack of a quorum at any Council meeting. In addition at most Council meetings there are at least 30 guests.

We the EMS Administrators in the State of Kansas urge you to pass Senate Bill 831 and defeat Senate bill 752 and convey to the people of Kansas that EMS in the state was not a "rabbit", but instead a runner who could start fast and keep it up leaving everyone else in his dust.

The true winners will be the tens of thousands of patients we serve every year for they will live to see another day or walk after a crippling injury.

Thank you.

Ted McFarlane



State of Kansas . . . John Carlin, Governor

DEPARTMENT OF HEALTH AND ENVIRONMENT

Barbara J. Sabol, Secretary

Forbes Field
Topeka, Kansas 66620
913-862-9360



March 21, 1984

Chairman
Senate Committee on Ways and Means

As chairman of the State Emergency Medical Services Council, I wish to represent their vote at their council meeting held March 16, 1984. The Council strongly opposes Senate Bill #752 and supports Senate Bill #831. We represent and have the full support of all major Emergency Medical Services organizations in the state of Kansas. The Emergency Medical Services Council meets on a minimum of quarterly and has a strong attendance. A conservative average estimate of 35 persons representing Emergency Medical Services interests in the state also attend these meetings allowing for excellent "grass roots" representation of emergency care.

The Council has been instrumental in the development of quality Emergency Medical Services in Kansas. With the support of Senate Bill #831 we will be allowed to continue with the power and function to represent and develop an even stronger Emergency Medical Services.

DAVID NACHTIGAL, Chairman
Emergency Medical Services Council
State of Kansas

DN:jc

C
3-21-84
11:00a.m.

TESTIMONY OF: Lorin Kasper Jr., Director
Clay County Emergency Medical Services
603 4th. Street
Clay Center, Kansas 67432

REPRESENTING: Region IV EMS Council

Before you today are two clear choices in the form of Senate Bills #752 and #831 which will decide the future of Emergency Medical Services in Kansas. A third option exists and I would like to comment on that third option before addressing the two bills under consideration.

The third option is to leave everything as it is. This option is not supported by either EMS professionals or apparently by the Kansas Department of Health and Environment. This position was stated on February 10th and again of March 16th by Dr. Hollowell, Director of the Division of Health, Kansas Department of Health and Environment at the State EMS Council meetings and was stated as the position of the Kansas Department of Health and Environment.

Senate Bill #752 effectively strips the EMS Council of all it's authority and places that responsibility solely with the Secretary of Health and Environment. This option is not supported by the majority of EMS professionals in Kansas. We feel that our profession is best governed by the people concerned with the future of EMS and not a political appointee who would not even listen to concerns voiced by EMS professionals regarding the re-organization of the Department of Health and Envorinment and the position of EMS within that structure. Senate Bill #752 would place absolute authority in the hands of the Secretary of the Department of Health and Environment, and whether that person is the current Secretary or a future Secretary appointed in another administration, his or her knowledge of and concern for EMS remains questionable, at best.

D
3-21-84
11:00

Senate Bill #831 represents the only viable option for EMS. It guarantees that politics would have only a minimal effect on the future of EMS, both immediate and distant. Senate Bill #831 is the result of many hours of discussing many options by many people. These people represented providers, educators, fire departments, regional representatives, and consumers. Senate Bill #831 expands not only the authority of the EMS Council but also the Council's governing base. A concerted effort has been made to structure the EMS Council so as not to be one sided with EMS professionals. We've tried to maintain a balance between EMS providers, Physicians, Nurses, Fire Departments, Law Enforcement agencies, Hospital Administrators, Regional representatives, Legislators, and Consumers. All of these people have a personal interest in the future of EMS and no one of them has absolute authority to determine that future. An effort has been made with Senate Bill #831 to minimize any adverse political effect on EMS and to insure quality Emergency Medical Care to the Citizens of Kansas.

As an EMS Provider, I strongly urge your vote in support of Senate Bill #831. Your affirmative action on this bill will insure that EMS can progress into the future with positive results for the Citizens of Kansas.

I thank you.

SENATE WAYS AND MEANS COMMITTEE HEARING

March 21, 1984

Good morning ladies and gentlemen. I am Joe Moreland and represent the Region III EMS Council. Region III is a 32 county area that covers south central and southeastern Kansas. I am an EMICT and an EMT Instructor-Coordinator. I am speaking on behalf of John Lehman, chairman of our council. John is in Wichita this morning working on some council business and has asked me to speak for him.

The Region III EMS council wants to go on record as supporting Senate Bill 831 and opposing Senate Bill 752.

These are the reasons we are opposed to Senate Bill 752:

It strips the statutory power of the state EMS Council and lets it reside in the secretary's hand. The secretary is not as informed about EMS as is the director of the office of EMS or the state EMS council.

The secretary has never attended a council meeting, even when specifically invited. She always sends a designee. Once in a while we all like to see the boss.

The secretary did not listen to the phone calls and letters sent to her this summer concerning the restructuring of the Department of Health and Environment. She did not listen then, she is not listening now, and I do not feel she will listen in the future.

We were told that the restructuring of the Department of Health and Environment would not bury the Bureau of EMS, make it less important or less accessible. It was demoted to an office status, another person was added to the level of bureaucracy and does not seem to be very important. We are continuing to see dollars and staff positions cut.

The following is a list of reasons as to why we support Senate Bill 831:

The council shall appoint the director of the Office of Emergency Medical Services and not the Secretary of Health and Environment. We feel that 18 members with knowledge of EMS will do a better job selecting the director. A new director would not be selected each time a new governor takes office.

The council shall review all requests made for federal or state funding. The council is more qualified and would keep the entire state and EMS concerns in mind.

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11:00 a.m.

With the restructuring of the Council we will have a representative from each of the four regional councils. The regional councils have long desired for this. The regional councils contract for funds and provide needed services on a regional basis. Representation on the state council would benefit everyone.

The state council will now meet six times a year, rather than four. Kansas EMS is very active. Quarterly meetings are not often enough to operate EMS in a timely and efficient manner.

The budget will be more direct to the governor. Presently the budget becomes part of the super Bureau of Community Health and then part of the massive budget of the entire Department of Health and Environment.

The council shall have the power to adopt rules and regulations and not the secretary. I have been actively involved in EMS in our state for 10 years and would rather have my peers making the rules and regulations than the secretary.

The director of the office of EMS shall have greater control of what is going on in the department. The present director has Dr. Lorne Phillips and Dr. Joe Hollowell between himself and the secretary. There would now be a more direct chain of command.

There are approximately 2200 EMT's and EMT's residing in the Region III area. This represents about one-half of the total in the state of Kansas. Our council and executive committee have worked hard the past several years with the state testing, continuing education programs, equipment pools and radio communications. We have had input to both the state council and office of EMS about the programs I just mentioned. We would like it to continue in that fashion, with professionals that can make intelligent decisions. Our region has been a viable link between our constituents (the grassroots EMT) and EMS at the state level.

The professionals in EMS have governed themselves well. Our state council has survived the sunset review. Quorums are common place. Between 50 and 100 people are in attendance at the state council meetings. The professionals in EMS Region III want to be governed by our peers. We do not want the power and authority vested in the Secretary of Health and Environment.

Dr. Joe Hollowell said in the February 10th state council meeting that the Department of Health and Environment does not like the state council having statutory authority. He says it makes things difficult and awkward for the secretary and the department to carry out some of its functions. With this bill they will not have any of our problems any longer. The citizens of EMS wanted a department all of its own similar to what we had 10 years ago. In the interest of keeping the bureaucracy to a minimum but retaining our autonomy we have agreed to become a part of the KHP.

In summary,

We are concerned individuals who want a responsible say in our destiny. We are not looking for a chopping block or anyone's head. We want to continue the high standard of pre-hospital emergency care for which EMS in Kansas is known for.

In closing I hope that you find Senate Bill 831 as favorable as your constituents in Region III do.

Respectfully,

Joe Moreland

Joe Moreland
Co-Chairman
Region III Manpower and Training



**EMERGENCY MEDICAL SERVICES
REGION 1**

Phone (913) [REDACTED] 625-4222

P. O. Box 279 · [REDACTED] 1012 Cody

Hays, Kansas 67601

March 21, 1984

To: Members, Senate Ways and Means Committee
From: Northwest Kansas Region 1 EMS Council
Subject: Recommendation for Committee Approval of
Senate Bill 831

Mr. Chairman and Committee Members:

I wish to thank you for this opportunity to present testimony in support of Senate Bill 831.

My name is Darris McConkey and I am speaking for the more than 36 county representatives who make up the Northwest Kansas Region 1 Emergency Medical Services Council.

The Region 1 EMS Council has asked me to present to you their unanimous support for Senate Bill 831 and request that your committee provide favorable consideration for its passage.

As you know Region 1 EMS covers approximately one-fourth of the state's geography with 105 communities of which only 27 have more than 500 population and only three more than 5,000.

In the Federal classification system we are known as Rural Wilderness, but we still like to think of ourselves as Kansans and it is for this reason that we appeal to you for help in continuing to support a system that is designed to save every

F
3-21-84
11:00 a.m.

life possible not only in Western Kansas but throughout all our great state and nation.

Statistics bear out the fact that a critically injured patient with the same degree of injury has a four times greater chance for survival in the urban compared to the rural setting. Yet- 70 percent of Kansas Highway deaths occur in or around communities of 2500 or less.

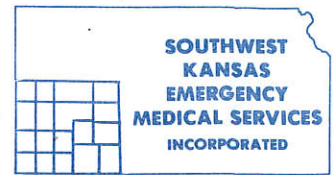
We are no longer islands unto ourselves. We do not exist in isolation. We are now global in nature and as such owe every citizen an appropriate life saving capability whether that be the elderly farmer in coronary distress, your granddaughter who has just swallowed bleach, or the accident person traveling I-70 to the ski slopes of Colorado.

Region 1 EMS believes Senate Bill 831 will provide a much more favorable climate for effective statewide EMS to exert its positive life saving influence on the regional structures and thereby on all Kansans urban and rural.

Region 1 EMS consists of 97 percent volunteer EMS services and believe they are making every possible effort to provide appropriate and cost-effective emergency medical care within their capabilities and ask that you the committee, consider Senate Bill 831 favorably to assist in that mission.

Thank you for your time and consideration and this opportunity to appear before you.

SKEMS



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67846
(316) 275-9177

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Dodge City

To: Senator Hess and Members of Senate Ways & Means

From: Jerrell Horton, Chairman, SKEMS

Re: Support of Senate Bill #831

March 21, 1984

On behalf of Southwest Kansas EMS Inc., I would like to take this opportunity to express support of Senate Bill 831.

With the reorganization of the Department of Health and Environment and the introduction of Senate Bill 752, it has become quite clear that further development of Emergency Medical Services in Kansas is not a priority of Health and Environment.

For EMS growth and development to continue, it is critical that public exposure be continued. EMS is clearly not a bureaucratic function, but is dependent to a large degree on volunteers. If EMS remains under Secretary Sabol's direction, it is obvious that the goal of public awareness will not be accomplished. Therefore, it is imperative that SB 831 receive a favorable recommendation from your committee.

Moving EMS to the Kansas Highway Patrol will be an acceptable "home" for EMS since the common ground of public safety and public information and education does exist with both agencies.

G
3-21-84
11:00

Minneola Clinic, P.A.

CHARLES G. STEPHENS, M. D.

P. O. BOX 97

MINNEOLA, KANSAS 67865

To Whom It May Concern:

The EMS services have been an excellent thing for our community and for West Kansas. I would like to see this department stabilized and funded well. I do believe taking the EMS department out of the hands of the Secretary of Health and putting it under the Kansas Highway Patrol is one method of insuring its continued service. It is a shame that the present Secretary has taken away its Bureau status and removed a lot of the funding.



Chas. Stephens, M. D.

CGS:js

Minneola District Hospital

BOX 127

316/885-4264

Minneola, Kansas 67865

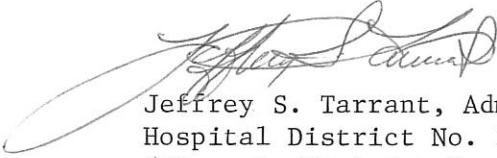
March 20, 1984

Senate Ways and Means Committee
State of Kansas

Members of the Committee:

As a long-time concerned resident of the State of Kansas and also from a professional standpoint, I strongly support Senate Bill 831 and urge each of you to support it also.

Respectfully Submitted,



Jeffrey S. Tarrant, Administrator
Hospital District No. 2, Clark and Ford Counties
(Minneola District Hospital)

JST/kmh

Clark County Ambulance Service

(Minneola Division)

Box 32

Minneola, Kansas 67865

TO:

WAYS AND MEANS COMMITTEE:

We feel that S.B. 831 is essential for the survival of EMS in the state of Kansas. We strongly support this bill and ask that you vote favorably for its passage.

Signed:

George W. Ferguson EMT Minneola, Ks.
Wayne Schmitt EMT Minneola Kansas
Diana Arnold EMT Minneola Ka
Sonja Graham EMT - Minneola, Ka
Joni Groves EMT - Minneola, Ks
Ralph Clawn, Director Minneola, Ks
EMTCT

Clark County Ambulance Service

(Minneola Division)

Box 32

Minneola, Kansas 67865

TO:

WAYS AND MEANS COMMITTEE:

We feel that S.B. 831 is essential for the survival of EMS in the state of Kansas. We strongly support this bill and ask that you vote favorably for its passage.

Signed:

Paul Explund, Minneola Home, Home Adm. -	Minneola, Ks
Pat Mares	Minneola, Ks
Gayle Koffard	Minneola Ks
Jinda M. Koffard	Bloom, Ks.
Sharon Yost	Minneola, Ks
Bertha Zilke	Minneola, Ks
Zue Copeland	Minneola, Ks
Betty Blomberg	Dodge City Ks.
Loris Bacon	Minneola, Ks.
Katherine Johnson	Minneola, Ks.
Maxine Lee	Minneola, Ks.
Ronald S. Wyatt	Minneola, Ks.
Esther Stelsh	Minneola, Ks.
Lois Rankin	Minneola, Ks.
Lou Skoon	Minneola, Ks.
Ruth Burgess	Minneola, Ks.
Dennis Keenly	Fowler, Ks.
Vera Colton	Minneola, Ks.
Ramona Baird	Minneola, Ks.
Sammy J. Denison	Minneola, Ks.
Bart A. Denison	Minneola, Ks.
Phyllis Krule	Fowler, Ks.
Joan Marshall	Minneola, Ks.

MARCH 20, 1984

WE THE UNDERSIGNED SUPPORT SENATE BILL #831 AND REQUEST PASSAGE
OF THIS MEASURE:

Betty Arnsperger, Director Clark County Ambulance
Hazel Thomas, Administrator, Ashland District Hospital
Maurine Moore RN Director of Nursing Service
Julian, MS, Medical Director
Janice Butler, Administrator of Fountain View Villa
Barbara Solorio, President of EMT's
Katherine Reed, EMT
Jesse Solorio EMT
Mellie Ludge, EMT
Dong Inderbid, EMT
Gerine Kiler, EMT

CLARK COUNTY EMS / ASHLAND DIVISION

Rogene Heugatter
County Clerk

Office of County Clerk

Clark County
Phone (316) 635-2813
Ashland, Kansas 67831

March 20, 1984

County Commissioners

Harold Daily
First District

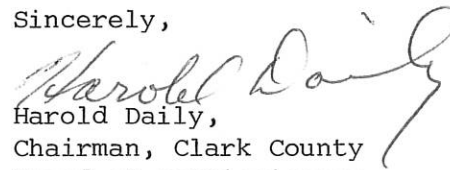
Ivel Harvey
Second District

Roy Glaze, Jr.
Third District

Ways & Means Committee:

I strongly support Senate Bill 831 and urge that you fight for its passage. I feel that the passage of this bill is vitally important to the continued success of Emergency Medical Services in the state of Kansas.

Sincerely,



Harold Daily,
Chairman, Clark County
Board of Commissioners