

Approved

Date

*Ivan Sand* 1/23, 1988

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Ivan Sand at  
Chairperson

1:30 a.m./p.m. on January 26, 1988 in room 521-S of the Capitol.

All members were present except:

Representative Graeber, Excused  
Representative Sawyer, Absent

Committee staff present:

Mike Heim, Legislative Research Dept.  
Bill Edds, Revisor of Statutes' Office  
Lenore Olson, Committee Secretary

Conferees appearing before the committee: None

Mike Heim distributed a memo on HB 2639, "Operation of Ambulance Services by Local Units of Government Under Current Laws." (Attachment 1)

Mike Heim also distributed a two page memorandum on HB 2639, which included twelve policy issues. This memo was prepared by the Legislative Research Department. (Attachment 2).

Mike Heim gave an overview of section 1 of the memo "Emergency Medical Services Board Membership," relating to HB 2639. The committee discussed the makeup of the EMS Board membership.

A motion was made by Representative Brown and seconded by Representative Francisco to amend HB 2639 in Section 8 to state that the statutes "shall provide for representation from all areas of the state."  
The motion carried.

A motion was made by Representative Bowden and seconded by Representative Miller to approve the 13 member board as it is shown in HB 2639.

A substitute motion was made by Representative Baker that in Section 8 of HB 2639, the wording be changed to state "the governor may remove any member of the board, and, or, upon recommendation of the board."  
There was no second to this substitution motion. Representative Baker withdrew the motion.

A substitute motion was made by Representative Baker and seconded by Representative Douville to change the wording in lines 191 & 192 of Section 8 of HB 2639 to state that "the governor, upon recommendation of the balance of the board, may remove any member of the board."  
The motion failed.

A substitute motion was made by Representative Rezac and seconded by Representative Larkin to adopt the 15 member board as proposed by previous testimony on HB 2639 by Robert Orth, Emergency Medical Technicians Association. The motion failed.

A substitute motion was made by Representative Douville and seconded by Representative Baker to eliminate in Section 8, lines 191 & 192 of HB 2639 the words "for good cause." The motion failed.

The question on the original motion by Representative Bowden and seconded by Representative Miller to approve Section 8 as written was called for and the motion carried.

The committee discussed the location of the Emergency Medical office.

The meeting adjourned.





MEMORANDUM

January 26, 1988

TO: House Committee on Local Government  
FROM: Kansas Legislative Research Department  
RE: Operation of Ambulance Services By Local Units of  
Government Under Current Laws

Questions have arisen during Committee consideration of H.B. 2639 about the authority of local units of government to provide ambulance services and to fund such services pursuant to the existing laws which would be repealed by H.B. 2639. The following material summarizes existing authority.

K.S.A. 1987 Supp. 19-261 authorizes the board of county commissioners of any county to provide ambulance service, as a county function, or to contract with any city, person, firm, corporation, or board of a county hospital located in the county, for the furnishing of ambulance service. If the county contracts for service, the compensation for providing the service may be paid from the county general fund, pursuant to K.S.A. 1987 Supp. 19-261. The same statute states that the board of county commissioners shall not provide ambulance service under the provisions of the act in any part of the county which receives adequate ambulance service, but shall reimburse any taxing district which provides ambulance service to such district with its proportionate share of the county general fund budgeted for ambulance service within the county. The reimbursement shall be based on the amount that assessed tangible taxable valuation of the taxing district bears to the total taxable tangible valuation of the county, but in no event may the taxing district providing ambulance service receive more than the district's cost of furnishing the ambulance service.

The remainder of the above 1965 act, K.S.A. 19-262, directs the board of county commissioners to establish minimum standards for the operation and equipping of any ambulance service provided by or contracted for by the county, including the qualifications and training of any personnel operating ambulances within the county; gives the county commission the authority to set charges by resolution; authorizes the levy of a tax for ambulance service of up to 1 mill when adopted by resolution of the board of county commissioners, except as otherwise provided for certain counties; and provides for a protest election on the question of a mill levy.

K.S.A. 19-263, enacted in 1968, states, "Nothing in this act shall affect the right of any city to provide, authorize, regulate, control, contract for, and franchise ambulance service within the city limits." Apparently, the statute refers to the 1965 act cited above.

K.S.A. 19-263a, enacted in 1972, applies to certain counties, i.e., those with a population of more than 37,500 and less than 38,400, and to cities, townships, and other taxing subdivisions located therein. The statute authorizes the board of county commissioners to provide ambulance service throughout the county and, if a county-wide system is established, to contract with any first class city located in the county to provide all or part of the service.

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attachment 4

K.S.A. 19-263b authorizes certain counties between 6,800 and 8,800 population, with an assessed tangible valuation of not more than \$33,000,000 which are furnishing ambulance service, to create an ambulance service taxing district. The statute sets out the authority of the district so created to levy a tax of not more than 1 mill and provides that the board of county commissioners shall serve as the governing body of the district.

K.S.A. 1987 Supp. 19-3632 through 19-3636a, enacted in 1967, authorize the governing body of any fire district to establish and operate an ambulance service, except in counties where there is a county-wide emergency medical service "within or without" such district and to contract with any city or other fire district for ambulance service. The act authorizes the governing body of the fire district to set charges; to levy taxes of up to 1 mill, but not in excess of a rate approved by the board of county commissioners of the county in which the fire district is located; to utilize funds for the purchase of equipment; to establish minimum standards for the operation and equipping of ambulances and the qualifications and training of ambulance personnel; and to furnish ambulance service within or without the boundaries of the district.

K.S.A. 80-1423 through 80-1428, enacted in 1982, authorize any township board to operate an ambulance service as a township function "within or without such township," and to contract with any city, county, person, firm or corporation to furnish ambulance service; to establish charges for such service; to levy a tax of up to 3 mills for ambulance service, subject to a protest election; to establish minimum standards for the operation and equipping of ambulances and the qualifications and training of personnel, except that no person may act as a driver or attendant unless such person has completed a basic first-aid or comparable course; and to furnish ambulance service within or without the township boundaries.

K.S.A. 1987 Supp. 65-4301 through 65-4305, enacted in 1974, authorize the board of county commissioners of any county or the governing body of "any city of this state" to establish, operate, and maintain an emergency medical service as a county or city function and to contract with any person or governmental entity for the purpose of furnishing emergency medical services "within or without" the boundaries of the county or city. Emergency medical service, as used in these statutes, is a more inclusive term than ambulance service since it includes, in addition to the transportation of individuals by ambulance, the performance of emergency care by persons licensed to practice medicine and surgery, a licensed professional nurse, a physician's assistant, and ambulance attendants, and the operation of a centralized emergency service communication system.

K.S.A. 65-4302 states that a board of county commissioners or governing body of a city may establish, operate, and maintain an emergency medical service as a county or city function and may contract with any person or governmental entity to furnish service within or without the boundaries of the county or city. The statute also specifically authorizes (1) the governing body of certain second class cities to make a levy of up to 2 mills, outside the tax lid and subject to a mandatory election, for emergency medical services and (2) the governing body of any city having a population of more than 15,500 and less than 16,500 located in a county of more than 27,000 population and less than 32,000 population to make a levy of not more than 3 mills, subject to a protest election, for emergency medical services. The act also authorizes the governing body of any city or the board of commissioners of any county to

establish and operate a centralized emergency communications system, to exercise the powers set out in K.S.A. 65-4304, and to establish minimum standards for the operation of the emergency medical service, for facilities and equipment, and for the qualifications and training of personnel, except that the training of mobile intensive care technicians shall be a training program certified by the University of Kansas Medical School.

K.S.A. 65-4309 states that the provisions of K.S.A. Supp. 65-4301 through 65-4309 shall be in addition to the provisions of Kansas law relating to the establishment, operation, and financing of ambulance services and that nothing in the act shall affect the right of any city to provide, authorize, operate, contract for, or grant a franchise for an ambulance service.

Finally, a question has been raised about the authority of a city to fund an ambulance service or an emergency medical service. Since the statutes make it clear in several instances, noted above, that any city may operate and maintain an ambulance service or emergency medical service or may contract for such services, both ambulance service and an emergency medical service are clearly governmental functions and may be funded from any general revenues of a city. Additionally, under municipal home rule, any city may now adopt a charter ordinance establishing a tax levy for the operation of either an ambulance service or an emergency medical service and may, by charter ordinance, exempt such levy from any tax lid.

H.B. 2636 creates a new definition of municipality which includes within its meaning any governmental entity now authorized by law to operate or contract for the operation of an ambulance service or emergency medical service and authorizes any such municipality to levy a tax of not more than 3 mills, subject to a protest election, to operate and maintain such service either as a municipal operation or by contract. The 3 mill levy limit will result in increased tax levy authority for counties, fire districts, and certain second class cities. However, any increase would be subject to a protest election. Additionally, H.B. 2639 continues, in lines 393 through 404, the requirement that a county reimburse any taxing district that is providing ambulance service within the county with a proportionate share of the county general fund budgeted for ambulance service. This language is taken from K.S.A. 1987 Supp. 19-261.

The Committee should consider adding language to H.B. 2639 that would authorize the creation of an ambulance district as now provided by K.S.A. 19-263b since Geary County has apparently created such a district. (See attachment giving county tax levies for the current county fiscal year.)

County Tax Levies for Ambulance Service by County  
(Levy Made in 1987 for Calendar Year 1988)

COUNTY	LEVY	COUNTY	LEVY	COUNTY	LEVY
Allen	1.020	Haskell	---	Riley	.990
Anderson	2.299	Hodgeman	1.440	Rooks	.500
Atchison	.976	Jackson	.770	Rush	(a)
Barber	1.387	Jefferson	1.000	Russell	1.636
Barton	.279	Jewell	1.586	Saline	1.948
Bourbon	.702	Johnson	(c)	Scott	1.050
Brown	.770	Kearney	.160	Sedgwick	1.010
Butler	1.463	Kingman	1.000	Seward	---
Chase	2.280	Kiowa	.410	Shawnee	---
Chautauqua	---	Labette	.700	Sheridan	1.045
Cherokee	2.000	Lane	1.330	Sherman	.995
Cheyenne	.100	Leavenworth	2.948	Smith	1.590
Clark	.470	Lincoln	1.210	Stafford	.890
Clay	1.950	Linn	.290	Stanton	.580
Cloud	(a)	Logan	.970	Stevens	.180
Coffey	.500	Lyon	.622	Sumner	.490
Comanche	1.654	Marion	.861	Thomas	1.000
Cowley	1.000	Marshall	1.145	Trego	.511
Crawford	.996	McPherson	.902	Wabaunsee	(d)
Decatur	.588	Meade	.500	Wallace	.500
Dickinson	1.520	Miami	1.892	Washington	.998
Doniphan	---	Mitchell	1.150	Wichita	(e)
Douglas	2.208	Montgomery	.993	Wilson	3.960
Edwards	.320	Morris	.500	Woodson	1.340
Elk	1.196	Morton	.450	Wyandotte	---
Ellis	2.426	Nemaha	.713		
Ellsworth	.750	Neosho	1.100		
Finney	1.700	Ness	.993		
Ford	1.028	Norton	.010		
Franklin	2.040	Osage	1.060		
Geary	(b)	Osborne	.970		
Gove	---	Ottawa	---		
Graham	1.460	Pawnee	---		
Grant	.450	Phillips	.500		
Gray	.840	Pottawatomie	---		
Greeley	.250	Pratt	1.860		
Greenwood	.405	Rawlins	.250		
Hamilton	.250	Reno	.911		
Harper	---	Republic	2.395		
Harvey	.977	Rice	1.316		

- a. All but one township is making a levy for ambulance service.
- b. Ambulance district #1 is making a levy.
- c. Five townships are making an ambulance service levy.
- d. Three ambulance districts are making a levy.
- e. City of Leoti is making a levy for ambulance and fire equipment.

MEMORANDUM

January 26, 1988

TO: House Local Government Committee  
FROM: Kansas Legislative Research Department  
RE: Suggested Changes to H.B. 2639 (EMS)

The memo contains a list of suggested changes made by persons to H.B. 2639 which may be considered to be substantive or at least which have generated some discussion among Committee members. Other technical suggestions are not included in the listing. Copies of all testimony, however, containing any suggestions for change are attached to the memo.

1. Emergency Medical Services Board Membership. Various conferees suggested a different makeup of the new board. A 15-member board was suggested by the Kansas Emergency Medical Technicians Association. See Attachment 1, page 1. A slightly different group, but still a 15-member board was suggested by Decatur County. See Attachment 2, page 1. A 14-member board was suggested by both the Emergency Medical Services Council, Attachment 3, page 1, and by Region IV Emergency Medical Services Council, Inc., See Attachment 4, page 2. The Kansas Medical Society, Attachment 5, page 3, and the Kansas State Council of Emergency Nurses Association, Attachment 6, page 2, both recommended a nurse with EMS experience be appointed to the board. To summarize suggestions generally are to reduce the number of elected officials on the board, add some type of health care provider or EMS personnel not included, or insure some type of geographic balance, see Attachment 7, page 2, of the McPherson Area Emergency Medical Service.
2. Location of Offices. Several persons suggested that the location of the Board's offices should be in Topeka. See for example Attachments 1 and 3.
3. Clarify the Status of the Board. The consensus of those who addressed the issue was that all references to a Division of Emergency Medical Services should be stricken.
4. Support Services. Several persons suggested support services be provided by the Kansas Highway Patrol rather than the Kansas University Medical Center. See Attachment 1 and Attachment 3.
5. EMS Regions. Recognition of the four EMS regions in the statutes was suggested by various conferees. See Attachments 1, 2, 3, and 4.
6. Tax levies Cities and Counties (Section 12). Several counties which provide countywide ambulance services have expressed concern that this section will be an invitation for cities and other taxing units to provide their own EMS service and require the county to reimburse them from the countywide levy for their

*Attachment 2  
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proportionate share of the countywide tax. One possible solution, if the Committee agrees that some change is needed, is to provide that counties which now have a countywide service need not reimburse any taxing subdivision which it already is not reimbursing. This would protect the status quo.

- ✓ 7. Staff Medical Officer. Several persons objected to or questioned the need for requiring the part time medical director to be from the staff at the University of Kansas Medical Center. (Section 10(m)). See Attachment 1, page 3 and Attachment 5, page 4.
- ✓ 8. Liability Issues. Several persons have supported immunity for various classes of EMS personnel or those connected with EMS. Should the Local Government Committee deal with these issues or should it leave the issue to the Senate Public Health and Welfare Committee which has already begun work on the issue. See Attachments 1 and 10.
- ✓ 9. Ambulance Service Fees. A suggestion has been made to charge \$15 per vehicle in addition to a service permit fee to require larger services to pay more of their share of costs. See Attachment 1, page 5.
- ✓ 10. Stay on New Administrative Rules. One conferee suggested that newly promulgated rules and regulations effective May 1, 1988, should be stayed until after the appointment of the new Board. See Attachment 8, page 1.
- ✓ 11. EMS Dispatcher. One conferee suggested adding emergency medical dispatcher to the list of definitions in Section 11. Apparently, this would create a new type of certified EMS personnel. See Attachment 9, page 1.
- ✓ 12. Subpoena Powers. One group suggested the Board begin subpoena powers. See Attachment 5, page 7.

Note the League of Kansas Municipalities has submitted several technical amendments. See Attachment 10. See also Douglas County EMS.

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