

Approved

Ivan Sand

Date

2/29/88

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 February 22, 1988 in room 521-S of the Capitol.

All members were present except:
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:
John Torbert, Kansas Association of Counties
Richard Funk, Kansas Association of School Boards
Steven Wiechman, Kansas Association of Counties
Michael Szczygiel, Cardiac Resuscitation Association
Robert Stanbary, Laerdal Medical

The minutes were approved for February 16, 17 & 18, 1988.

John Torbert requested that the committee introduce a new bill regarding qualifications for Property Valuation Division supervisors. (Attachment 1)

A motion was made by Representative Holmes and seconded by Representative Fry to introduce the legislation requested by John Torbert. The motion carried.

Steven Wiechman requested that the committee introduce two bills. One bill is regarding statutory authority providing a means by which dormant judgements for unpaid taxes that are not subject to being revived can be removed from the tax rolls.

The second request for a bill from Steven Wiechman was regarding the duty of a county to provide emergency welfare to its tax payers. (Attachment 2)

A motion was made by Representative Fry and seconded by Representative Graeber to introduce the first bill regarding statutory authority. The motion carried.

A motion was made by Representative Graeber and seconded by Representative Miller to introduce the second bill regarding emergency welfare. The motion carried.

A motion was made by Representative Douville and seconded by Representative Miller to request a bill which would allow a merger of Johnson County Fire District #2 with Old Mission Fire District #1. The motion carried.

Richard Funk requested the committee to introduce a bill which would state that if consecutive publications of a legal notice are not printed consecutively because of the oversight of a newspaper, that such action of the governing body of political subdivision should not be delayed.

A motion was made by Representative Francisco and seconded by Representative Miller to introduce the bill requested by Richard Funk. The motion carried.

Regarding HB 2835, Michael Szczygiel explained the effectiveness of early defibrillation and gave a demonstration of an automatic defibrillator.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government,
room 521-S Statehouse, at 1:30 ~~a.m.~~/p.m. on February 22, 1988.

Regarding HB 2835, Robert Stanbary demonstrated the semi-automatic defibrillator and explained the uses and differences between it and the fully automatic defibrillator.

Discussion was held on a letter received from Dr. Robert A. Worsing, Jr. (Attachment 3)

A motion was made by Representative Johnson and seconded by Representative Holmes to adopt the amended balloon, which will include the EMT-I's and semi-automatic defibrillators. The motion carried.

A motion was made by Representative Graeber and seconded by Representative Johnson to pass HB 2835 as amended. The motion carried.

The meeting adjourned.

Bill request

Kansas Association of Counties

Serving Kansas Counties

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

The Kansas Association of Counties requests legislation to require any State employed Property Valuation Division field supervisory personnel to meet the same qualifications that County Appraisers must meet to be on the "Certified Kansas Appraisers" list approved by Property Valuation Division of the Department of Revenue.

Perhaps this could be amended into K.S.A. 19-430.

*Attachment 1
2/22/88*

19-421 to 19-424.

History: L. 1968, ch. 206, §§ 1 to 4; Repealed, L. 1974, ch. 112, § 11; June 1, 1976.

19-425. County or district appraisers; powers and duties; "assessor" construed to mean "appraiser"; deputy appraisers and specialized help; office space. The county or district appraiser appointed under the provisions of this act shall have all the powers and duties vested in and imposed upon county assessors by law except as otherwise provided herein. From and after the effective date of this act any reference in the Kansas Statutes Annotated or amendments thereto to the "assessor" or "county assessor" or words of similar import shall be construed as referring to the "county appraiser" or "district appraiser." He shall appoint deputy appraisers and fix their salaries with the consent and approval of the board of county commissioners or district board. Each deputy appraiser, before entering upon the duties of his office, shall take and subscribe to an oath in like manner as that provided for the county or district appraiser. With the consent and approval of the board of county commissioners or district board, he may appoint such specialized help as he may need to properly assess specific properties and may pay them such compensation as the board of county commissioners or district board shall provide. The board of county commissioners or district board shall furnish him necessary office space and such clerical help as may be needed to carry out the duties of his office.

History: L. 1968, ch. 206, § 5; L. 1974, ch. 112, § 8; June 1, 1976.

Cross References to Related Sections:

Duty of assessor to maintain record of tax exempt real property, 79-211.

Appointment and qualifications of county appraisers, see 19-430.

Duty of appraiser to provide secretary of state with list of cemeteries, see 17-1312a.

19-426. Same; transfer of powers, property and records of office; no assessor elected after June 1, 1976. Upon the appointment and qualification of the county or district appraiser under the provisions of this act, the county clerk of the county as ex officio county assessor or the county assessor appointed or elected under the authority of any other statute of this state shall thereupon be divested of his powers and duties relating

to assessment and he shall turn over and deliver to the county or district appraiser appointed under this act, all books, maps, assessment rolls, and other records in his possession relating to the listing, assessment and classification of property. No person shall be elected to the office of county assessor or become ex officio county assessor in any county from and after the effective date of this act.

History: L. 1968, ch. 206, § 6; L. 1974, ch. 112, § 9; June 1, 1976.

19-427.

History: L. 1968, ch. 206, § 7; Repealed, L. 1974, ch. 112, § 11; June 1, 1976.

19-428. Appraisal districts; appraisers, appointment and compensation; dissolution of district; agreements governing district; meetings of board. The board of county commissioners of any county is authorized to unite with the board of another county or counties to form an appraisal district and employ an appraiser for such district. The boards of county commissioners shall fix the salary to be paid the district appraiser and the portion thereof which each county shall pay, the conditions of his employment, and the terms for dissolution of the district, by joint resolution published in the official county newspaper of each county. In the absence of specific agreement in such joint resolution on any matters the respective county boards entering into such agreement shall act jointly as a district board in such matters and shall be governed by the provisions of this act relating to county appraisers appointed for one county. All meetings of district boards shall be held at the county seat of the county within the district having the greatest population.

History: L. 1968, ch. 206, § 8; L. 1974, ch. 112, § 10; June 1, 1976.

19-429.

History: L. 1968, ch. 206, § 9; Repealed, L. 1974, ch. 112, § 11; June 1, 1976.

19-430. County appraiser; appointment, term and qualifications; vacancies. On the fifteenth day of January, 1977, and on the first day of July of each fourth year thereafter the board of county commissioners of each county shall by resolution appoint a county appraiser for such county who shall serve for a term of four (4) years

and until his successor is appointed. County appraisers appointed in counties having a population of more than twenty thousand (20,000) shall devote full time to the duties of such office but county appraisers appointed in counties having a population of twenty thousand (20,000) or less may be appointed either as a full-time or a part-time county appraiser as prescribed in the resolution providing for such appointment. No person shall be appointed or reappointed to or serve as county appraiser in any county under the provisions of this act unless such person shall be qualified by the director of property valuation as a certified Kansas appraiser under the provisions of this act. Whenever a vacancy shall occur in the office of county appraiser the board of county commissioners shall appoint a certified Kansas appraiser to fill such vacancy for the unexpired term and until his successor is appointed. The person holding the office of county assessor or performing the duties thereof on the effective date of this act shall continue to hold such office and perform such duties until a county appraiser is appointed under the provisions of this act.

History: L. 1974, ch. 112, § 1; June 1, 1976.

19-431. Same; suspension or termination of officer; hearing; determination and order by director of property valuation or board of tax appeals; removal of officer and filling of vacancy. Whenever it shall be made to appear to the board of county commissioners of any county or the district board of an appraisal district by evidence satisfactory to said board that the appraiser of such county or district has failed or neglected to properly perform the duties of his office, by reasons of incompetency or for any other cause, the board shall enter upon its journal an order suspending or terminating the county or district appraiser from his office, which order shall state the reasons for such suspension or termination, and upon the service of any such order upon the appraiser so suspended or terminated he shall at once be divested of all power as county or district appraiser and shall immediately deliver to the person appointed to discharge the duties of the office in his stead, all books, records and papers pertaining to the office. The board of county commissioners or district board shall appoint a temporary ap-

praiser to discharge the duties of the office until the suspension is removed or the vacancy filled, and the person so appointed shall take the oath of office required by law and thereupon such person shall be invested with all of the powers and duties of the office.

If at the time of the suspension or termination of any appraiser as hereinbefore provided such appraiser requests a hearing thereon, the board of county commissioners or district board making such suspension or termination shall fix the time, not later than ten (10) days thereafter, when a hearing concerning the same shall be had by the director of property valuation at the county seat of such county or if such appraiser is a district appraiser at the county seat of the county within the district having the greater population. At the hearing the director of property valuation shall make inquiry into

all facts connected with such suspension or termination, and if after said inquiry is made the director of property valuation shall determine that the appraiser so suspended should be removed permanently and his office declared vacated or should be terminated, then the director of property valuation shall make and enter upon the record of his official proceedings an order removing said appraiser, a copy of which order, duly certified and under the seal of the director of property valuation, shall be sent to the board of county commissioners or district board employing such appraiser who shall cause the same to be recorded in full upon the journal of the board. Immediately upon the making of such order by the director of property valuation said office of appraiser shall be vacant, and the board of county commissioners or district board shall appoint a certified Kansas appraiser as appraiser to fill such vacancy, who shall qualify as provided by law in such cases. Should the person so appointed be other than the person appointed to discharge the duties of the office temporarily, the person so discharging the duties of the office temporarily shall immediately transfer to the person appointed to fill the vacancy all the books, records, and files of the office.

Whenever the director of property valuation shall on his own motion conclude, after inquiry, that the appraiser of any county or district has failed or neglected to discharge his duties as required by law and that the

Kansas Association of Counties

Serving Kansas Counties

HOUSE COMMITTEE ON LOCAL GOVERNMENT

February 22, 1988

CHAIRMAN SAND AND DISTINGUISHED MEMBERS
OF THE HOUSE LOCAL GOVERNMENT COMMITTEE:

I am Steven R. Wiechman, and on behalf of the Kansas Association of Counties, we are before you to request consideration and introduction of two bills.

The first is a request for statutory authority providing a means by which dormant judgments for unpaid taxes that are not subject to being revived can be removed from the tax rolls. In addition, certain tax judgments which are discharged under the bankruptcy code and cannot be collected continue to be carried on the tax rolls with no statutory mechanism to remove them. This bill would, in essence, become a housekeeping provision.

The second request arises as a result of a transition statute from the old county welfare days which has created conflict. The conflict created by statute is the discretionary duty of the county to provide emergency welfare to its taxpayers, eventhough the taxpayer may have either been denied or failed to apply for public assistance from federal or state resources. The conflict arises because once the county has granted the assistance, it applies to the state for reimbursement and the state must reimburse the county eventhough the taxpayer was denied or funds were not available. The matter would be best addressed by a simple bill repealing

*Attachment 2
2/22/88*

February 22, 1988

K.S.A. 39-749. In addition, K.S.A. 39-747, 39-748 and 39-750 may also be able to be repealed in the clean-up process.

Thank you for the opportunity to appear before you and for your kind consideration. I will be happy to try to answer any questions you may have.

Respectfully submitted,

STEVEN R. WIECHMAN
General Counsel
Kansas Association of Counties

Robert A. Worsing, Jr., MD
8409 Huntington
Wichita, Kansas 67206
316 683-0002

20 February 1988

The Honorable Ivan Sands
Chairman, House Committee on Local Government
The Kansas Statehouse
Topeka, Kansas 66612

Dear Representative Sands,

First, I would like to express my sincere appreciation for the opportunity to review and comment on House Bill No. 2835 and the proposed amendments. With the current proposed amendments, the Kansas Medical Society will not oppose the bill.

After reviewing the amended bill, may I submit the following general comments for your consideration. The initiation of a specific prehospital treatment modality through legislative mandate is a significant departure from legislative precedent. As an alternative, may I suggest the Legislature provide the EMS Council with regulatory authority to develop training, certification, and retraining programs for the use of automated defibrillators by prehospital personnel, as well as standards and protocols for appropriate medical control and interaction with the established local emergency medical services system.

I would also suggest the use of the generic term automated defibrillator rather than specifying automatic and semi-automatic. The only difference between automatic and semi-automatic defibrillators is that after the machine has determined there is an arrhythmia, the semi-automatic units require the operator to push a button to deliver the electrical shock to the patient. For your information, the semi-automatic defibrillator may be a somewhat safer unit. Being operator-controlled, there is a decreased risk of accidentally "shocking" another rescuer who is working on the patient and unaware of the impending defibrillation.

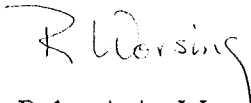
As an aside, most of the automated defibrillators are semi-automatic, the limitation of automatic units in the proposed amendments makes the bill vendor-specific.

*Attachment 3
2/22/88*

Lastly, I would suggest that any local service provider using automated defibrillators should have their medical protocols approved by the local component medical society. This would encourage medical control, quality assurance, and educational programs, as well as incorporation into the local EMS system.

I am honored to have been given the opportunity to review and comment on House Bill No. 2835 and the proposed amendments. I hope these comments will assist you in your deliberations. If there are any questions, or if I may be of further assistance, I would be delighted to accomodate your request.

Respectfully yours,



Robert A. Worsing, Jr., MD
Chairman, KMS Committee on EMS

xc: Mr. Chip Whelan, KMS