

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE ROBERT D. "BOB" MILLER at
Chairperson

1:39 a.m./p.m. on MARCH 2, 1989 in room 521-S of the Capitol.

All members were present except:

Representatives Baker and Gomez excused.

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes' Office
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Chairman Miller turned the Committee's attention to HB 2076 for discussion. Staff gave a copy of a Balloon of HB 2076. (Attach. I) Theresa Kiernan explained the balloon.

Discussion followed.

A motion was made by Representative Sawyer and seconded by Representative Williams to approve and amend HB 2076. Motion carried.

Chairman Miller turned the Committee's attention to HB 2079.

Chairman Miller asked staff if we amended this bill. According to staff, the bill was amended.

Staff then presented a new balloon of HB 2079 which would return the bill to the original version and only add the emergency medical technician-defibrillator into the bill and also change the effective date to publication in the Kansas Register. (Attach. II)

In order to consider the bill as presented in the balloon, staff recommended that previous action be reconsidered.

A motion was made by Representative Reinhardt and seconded by Representative Williams to reconsider our action on HB 2079 and discuss the bill. The motion carried.

Discussion followed.

A motion was made by Representative McClure and seconded by Representative Johnson to pass HB 2079 as the balloon shows.

Discussion followed.

Mike Heim explained that the good samaritan act is supposed to cover folks that arrive at the scene of an emergency but that it has been expanded beyond its original intent. The law was part of the emergency medical service law that was passed last year which codified some immunity provisions.

Bob Frey stated that the version of the bill that was dealt with yesterday granted immunity to people who were volunteers. The bill, as amended, grants immunity to people who are volunteers but it also grants immunity to some people who are not volunteers, people who are actually on paid jobs.

Mike Heim indicated that by reconsidering our original action on reviewing the balloon version, a policy decision has already been made. The balloon version merely adds another factor, the EMT-defibrillator to the current law.

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Motion carried.

Chairman Miller turned the Committee's attention to HB 2430. Theresa Kiernan gave a review of HB 2430. She stated that when she drafted the bill she picked up 3 sections that concerned cities, which needs to be taken out.

A motion was made by Representative Bowden to amend out Section 2, 3, and 4 and it was seconded by Representative Reinhardt. The motion carried.

Representative Bowden made a motion that wherever we have changed protest petition from 60 to 30 days that we revert back to 60 days. Seconded by Representative Sawyer.

Discussion followed.

Vice-Chairperson Brown stated that one of the purposes of the bill was to allow 30 day, rather than 60 day, protest petitions.

Gerry Ray explained that Johnson County never had a protest petition on bond sales and that 60 days was a long time to hold up a bond sale. Furthermore one of the purposes was to standardize the dates.

Representative Graeber felt it was infringing on the rights of people.

A substitute motion was made by Vice-Chairperson Brown and seconded by Representative Johnson to amend to a compromise of 45 days rather than 60.

Discussion followed.

Representative Williams concurred that no protests on bond issues had occurred in Sedgwick Co. but supported the 60 day protest feeling that 45 days were unnecessarily limiting the right of the people.

Chairman Miller asked for those in favor of a substitute motion that establishes 45 days instead of 30. Motion failed.

Representative Bowden discussed returning to 60 days anytime it indicated 30 days. Vice-Chairperson Brown asked for clarification by line.

Discussion followed.

A motion was made by Representative Patrick and seconded by Representative Graeber to table HB 2430. Motion carried.

Chairman Miller asked for any discussion on HB 2438. He then referred to an amendment suggested by Ernie Mosher when hearings were held on the bill which would include cities of the 1st and 3rd as well as 2nd class.

Discussion followed.

A motion was made by Representative Patrick that we strike 14-1304 explaining that he did not feel posting of a bond should be required.

Discussion followed.

Mike Heim explained that the bill refers to a commission form of government where people have day to day responsibilities of government unlike a city council form of government.

Discussion followed.

CONTINUATION SHEET

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Vice-Chairperson Brown made a motion to amend the bill with Ernie Mosher's suggested amendments and was seconded by Representative Graeber. The motion carried.

A substitute motion was made by Representative Patrick and seconded by Representative Williams to repeal 14-304 and the bonding requirement.

Discussion followed.

Chairman Miller explained that the substitute motion is to repeal section one and asked for the vote. Representative Patrick asked for a division. The motion failed on a tie vote.

The Chairman went back to the original motion by Vice-Chairperson Brown which was to amend the bill.

Representative Patrick made a substitute motion to table the bill; seconded by Representative Williams. A division was requested. The motion lost.

The Chairman went back to the original motion to amend the bill. Motion carried.

A motion was made by Representative Lane and seconded by Vice-Chairperson Brown to pass the bill out favorably. The motion carried.

Chairman turned the Committee's attention to Sub. HB 2049 and explained that the bill inadvertently went to the House floor. The intent was for the bill to be redrafted for discussion purposes.

A motion was made by Representative Bowden and seconded by Representative Graeber to reconsider action on the substitute bill. Motion carried.

Chairman then asked staff for an explanation of the bill. Representative Johnson explained the technical changes of the bill and explained that it would now apply to the four largest counties in that they are the only ones that hire dispatchers for ambulances.

The Committee temporarily passed over Sub. HB 2049 while waiting for copies of the bill.

The Committee then turned to HB 2205 while awaiting copies. Chairman Miller explained that it was introduced by Representative Teagarden and the purpose was to allow townships to set up recreation commissions. The Committee was told that this would be a major policy change as currently only cities and school districts can establish recreation commissions.

Vice-Chairperson Brown pointed out that statutes currently allow townships to levy taxes for parks.

Chairman Miller said he would talk with Representative Teagarden and ask him to get together with staff to avoid changing the entire recreation statute.

The Committee's attention was turned back to Sub. HB 2049.

Representative Johnson explained the substitute bill. (Attach. III) A motion was made by Representative Johnson to pass out the bill as shown in the substitute bill. Seconded by Representative Patrick. Motion carried.

Meeting adjourned.

HOUSE BILL No. 2076

By Committee on Local Government

1-23

JS
3-2-89
ATTACH. I

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AN ACT concerning the emergency medical services board; relating to the membership thereof; amending K.S.A. 1988 Supp. 65-6102 and repealing the existing section.

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

Section 1. K.S.A. 1988 Supp. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of 13 members appointed by the governor. Of such members:

to be appointed as follows:
(1) Nine members shall be

(1) One shall be a member of the Kansas medical society who is actively involved in emergency medical services;

(A)

(2) Two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;

(B)

~~(3) four shall be legislators to be selected from recommendations submitted by the president of the senate, minority leader of the senate, the speaker of the house of representatives and the minority leader of the house of representatives;~~

(4) one shall be an instructor-coordinator;

(C)

(5) one shall be a hospital administrator actively involved in emergency medical services;

(D)

(6) one shall be a member of a firefighting unit which provides emergency medical service; and

(E)

(7) three shall be attendants who are actively involved in emergency medical service. Not more than one of such members shall represent the same classification of attendants. At least one of such members shall be from a volunteer emergency medical service; and

(F)

; and

JS
3-2-89
ATTACH. I

4 All members of the board shall be residents of the state of Kansas.
 45 Appointments to the board shall be made with due consideration
 46 that representation of the various geographical areas of the state is
 47 ensured. The governor may remove any member of the board upon
 48 recommendation of the board. *Any person appointed to a position*
 49 *on the board shall resign such position upon vacating the office or*
 50 *position which qualified such person to be appointed as a member*
 51 *of the board.*

52 (c) Of the members first appointed to the board, four shall be
 53 appointed for terms of one year, three for terms of two years, three
 54 for terms of three years and three for terms of four years. Thereafter,
 55 members shall be appointed for terms of four years and until their
 56 successors are appointed and qualified. In the case of a vacancy in
 57 the membership of the board, the vacancy shall be filled for the
 58 unexpired term.

59 (d) The board shall meet at least six times annually and at least
 60 once each quarter and at the call of the chairperson or at the request
 61 of the administrator of the emergency medical services board or of
 62 any six members of the board. At the first meeting of the board
 63 after January 1 each year, the members shall elect a chairperson
 64 and a vice-chairperson who shall serve for a term of one year. The
 65 vice-chairperson shall exercise all of the powers of the chairperson
 66 in the absence of the chairperson. Members of the board attending
 67 meetings of the board or attending a subcommittee meeting thereof
 68 authorized by the board shall be paid compensation, subsistence
 69 allowances, mileage and other expenses as provided in K.S.A. 75-
 70 3223, and amendments thereto.

71 (e) Members of the emergency medical services council ap-
 72 pointed pursuant to K.S.A. 65-4316, and amendments thereto, shall
 73 continue to serve until the members of the emergency medical serv-
 74 ices board are appointed and qualified pursuant to this section.

75 (f) Except as otherwise provided by law, all vouchers for ex-
 76 penditures and all payrolls of the emergency medical services board
 77 shall be approved by the emergency medical services board or a
 78 person designated by the board.

79 (g) The first person appointed by the governor to the board shall
 80 call the first meeting of the board and shall serve as temporary

(2) four members shall be appointed as follows:

(A) One shall be a member of the Kansas senate to be appointed by the president of the senate;

(B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;

(C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and

(D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

forfeit

81 chairperson of the board until a chairperson and vice-chairperson are
82 elected by the board at such meeting.

83 Sec. 2. K.S.A. 1988 Supp. 65-6102 is hereby repealed.

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

Kansas register

HOUSE BILL No. 2079

By Committee on Local Government

1-24

3-2-89
Attach. 2

15 AN ACT concerning emergency medical services; relating to limi-
16 tations on certain liability; relating to persons providing emergency
17 care; amending K.S.A. 1988 Supp. 65-6124 and 65-6135 and re-
18 pealing the existing sections.
19

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

21 Section 1. K.S.A. 1988 Supp. 65-6124 is hereby amended to read
22 as follows: 65-6124. (a) No person licensed to practice medicine and
23 surgery or registered professional nurse, who gives emergency in-
24 structions to a mobile intensive care technician, *emergency medical*
25 *technician-defibrillator* or emergency medical technician-intermedi-
26 ate during an emergency, shall be liable for any civil damages as a
27 result of issuing the instructions, except such damages which may
28 result from gross negligence in giving such instructions.

29 (b) No mobile intensive care technician or emergency medical
30 technician-intermediate who renders emergency care during an
31 emergency pursuant to instructions given by a person licensed to
32 practice medicine and surgery or a registered professional nurse shall
33 be liable for civil damages as a result of implementing such instruc-
34 tions, except such damages which may result from gross negligence
35 or by willful or wanton acts or omissions on the part of such mobile
36 intensive care technician or emergency medical technician-inter-
37 mediate rendering such emergency care.

38 ~~(c) No attendant who renders emergency care shall be liable for~~
39 ~~civil damages as a result of rendering such emergency care, except~~
40 ~~for such damages which may result from gross negligence or by~~
41 ~~willful or wanton acts or omissions on the part of the attendant~~
42 ~~rendering such care.~~

43 (e) ~~(d)~~ No person certified as an instructor-coordinator shall be
44 liable for any civil damages which may result from such instructor-

, emergency medical technician-defibrillator

, emergency medical technician-defibrillator

(c)

3-2-89
ATTACH. II

2-1

46 coordinator's course of instruction, except such damages which may
47 result from gross negligence or by willful or wanton acts or omissions
48 on the part of the instructor-coordinator.

48 ~~(c) No person licensed to practice medicine and surgery or reg-~~
49 ~~istered professional nurse who gives instruction to an attendant while~~
50 ~~they are a student during an approved course of instruction shall~~
51 ~~be liable for any civil damages as a result of giving such instruction,~~
52 ~~except such damages which may result from gross negligence or by~~
53 ~~willful or wanton acts or omissions on the part of the person licensed~~
54 ~~to practice medicine and surgery or registered professional nurse~~
55 ~~who gives instruction.~~

56 (d) ~~(f)~~ No medical adviser who reviews, approves and monitors
57 the activities of attendants shall be liable for any civil damages as a
58 result of such review, approval or monitoring, except such damages
59 which may result from gross negligence in such review, approval or
60 monitoring.

(d)

61 Sec. 2. K.S.A. 1988 Supp. 65-6135 is hereby amended to read
62 as follows: 65-6135. (a) All ambulance services providing emergency
63 care as defined by the rules and regulations adopted by the board
64 shall offer service 24 hours per day every day of the year.

65 (b) Whenever an operator is required to have a permit, at least
66 one person on each vehicle providing emergency medical service
67 shall be an attendant certified as an emergency medical technician,
68 *emergency medical technician-intermediate, emergency medical tech-*
69 *nician-defibrillator* or a mobile intensive care technician, a person
70 licensed to practice medicine and surgery, a registered physician's
71 assistant or a registered professional nurse.

72 Sec. 3. K.S.A. 1988 Supp. 65-6124 and 65-6135 are hereby
73 repealed.

74 Sec. 4. This act shall take effect and be in force from and after
75 its publication in the statute book.

Kansas register

2-2

SUBSTITUTE FOR HOUSE BILL NO. 2049

By Committee on Local Government

AN ACT concerning emergency medical services; providing for the certification of emergency medical dispatchers; and providing for the administration of the provisions of the act.

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

Section 1. As used in this act:

(a) "Emergency medical service" shall have the meaning ascribed to such term by K.S.A. 65-6101 et seq., and amendments thereto.

(b) "Emergency medical services board" or "board" shall mean the board established by K.S.A. 65-6102, and amendments thereto.

(c) "Emergency medical dispatcher" means a person who is employed, primarily, as a dispatcher for emergency medical services provided pursuant to K.S.A. 65-6101 et seq., and amendments thereto.

Sec. 2. (a) From and after July 1, 1991, no person shall be employed as an emergency medical dispatcher unless such person has been awarded a certificate attesting to satisfactory completion of a course of instruction approved by the emergency medical services board.

(b) Any person serving as a dispatcher for emergency medical services provided pursuant to K.S.A. 65-6101 et seq., and amendments thereto, on July 1, 1991, shall be entitled to certification and employment as an emergency medical dispatcher upon making application therefor to the emergency medical services board upon forms prescribed and provided by the board without having completed the required course of instruction.

(c) From and after July 1, 1991, any person who does not

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ATTACH. III

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hold a certificate as required by subsection (a) may be employed as an emergency medical dispatcher on a provisional basis for a period of not more than one year. Any person employed as an emergency medical dispatcher on a provisional basis who does not receive the certificate required under subsection (a) within one year following the date of original employment shall forfeit such position at the end of such one-year period and shall not be eligible for employment on a provisional basis within one year following the date on which such person last served as an emergency medical dispatcher. The board may grant an extension in such one-year period upon a showing that failure to comply with such requirements was due to circumstances beyond the control of such person or the person's employer.

Sec. 3. The emergency medical services board shall develop an emergency medical dispatcher training and certification program.

(a) To receive initial certification as an emergency medical dispatcher an individual shall:

(1) Successfully complete a course of instruction prescribed by the board for such purpose;

(2) be currently certified in cardiopulmonary resuscitation, through a course approved by the board; and

(3) successfully pass the written examination adopted by the board for such purpose.

(b) To remain certificated an individual shall be recertificated each year. To be recertificated as an emergency medical dispatcher an individual shall:

(1) Make application to the emergency medical services board on a form prescribed and provided by the board;

(2) provide evidence of a current certificate in cardiopulmonary resuscitation through a course approved by the board; and

(3) successfully complete a course of continuing education as prescribed and approved by the board.

(c) If a certificate is not renewed within 30 days

following expiration, such certificate shall be void.

Sec. 4. The emergency medical services board is hereby authorized to adopt rules and regulations necessary for the administration of this act. The board shall by rule and regulation prescribe fees to be charged persons enrolled in courses of instruction, to persons taking examinations and to persons making application for certification or recertification pursuant to this act.

Sec. 5. The emergency medical services board may suspend, revoke or deny the certification of an emergency medical dispatcher who fails to meet the requirements of this act or has met such requirements by falsifying documents or failing to disclose information required for certification. The procedure for suspension, revocation and denial of certification shall be established by rules and regulations of the board.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.