

Approved: 3/9/95
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Vice-Chairperson Don Myers at 1:30 p.m. on March 7, 1995 in Room 519-S of the Capitol.

All members were present except:

Representative Dillon, excused
Representative King, excused
Representative Long, excused

Committee staff present: Hank Avila, Legislative Research Department
Tom Severn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Senator Oleen
Eric Ward, Riley County EMS
Mark Tallman, Kansas Association of School Boards

Others attending: See attached list

Vice-Chairman Myers called the meeting to order at 1:35 p.m.

The Chair opened hearings on **SB 201, concerning authorized emergency vehicles; relating to the designation thereof,** and called on Revisor Bruce Kinzie to give an overview of the bill.

Vice-Chairman Myers recognized Senator Oleen as the first proponent of **SB 201**. She states the provisions in this bill would give local elected officials authority to designate any vehicle to be classified as an emergency vehicle in situations like floods, tornadoes and storm related catastrophes and would enable these officials to react more expediently to these situations. (Attachment 1)

The Chair also gave permission for Senator Oleen to give her testimony as a proponent on **SB 109, concerning school districts; relating to school bus use for purposes other than pupil transportation,** as she was scheduled for another hearing. She stated this bill would have state-wide applicability in allowing local school boards the authority to provide for the use of district owned or leased buses when the buses were not in use for required school purposes while not having any state fiscal impact. (Also Attachment 1)

Senator Oleen stood for questions from the committee.

Vice-Chairman Myers then called attention again to **SB 201** and called on Eric Ward, Riley County EMS. He stated in 1993 when the responsibility for operating the emergency vehicles was transferred to the local County Commission of the county in which the vehicle would be operating, several categories of emergency vehicles did not fall within the letter of the current law. He listed the areas and explained the problems incurred by the omission of each of these vehicles. He concluded by clarifying that EMS vehicles that are not ambulances are emergency vehicles, and clarifying the authority of the local county commission to designate whatever other emergency vehicles their local needs dictate, the efficiency of government is improved as well as improving the delivery of emergency care. (Attachment 2)

Written testimony in support of **SB 201** was also presented by Willie Martin, Sedgwick County Intergovernmental Relations (Attachment 3) and Larry Couchman, Director of the Riley County Emergency Medical Service. (Attachment 4)

Mr. Ward stood for questions.

There were no opponents and the Chair closed hearings on **SB 201**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on March 7, 1995.

Vice-Chairman Myers re-opened hearings on SB 109, use of school buses for other than pupil transportation, and asked for an overview by staff.

He recognized Mark Tallman, Director of Governmental Relations at the Kansas Association of School Boards, who gave testimony in support of SB 109. He stated under current law, school boards may authorize the use of school buses only for certain specified purposes. He told the committee SB 109, as introduced in the Senate, would have added contracting with postsecondary institutions for transportation to and from functions and activities. However, KASB raised the question of why a school district should have to seek legislative authority to make what seems to be a community decision and the bill was amended to allow local boards, instead of the state, to set policies on how each district's school buses can be used. He urged support and passage of SB 109, as amended. (Attachment 5)

There were no opponents.

Following questions by the committee, Vice-Chairman Myers closed hearings on SB 109.

A brochure Questions and Answers About Transportation Issues, which had been compiled by Hank Avila, Research, was distributed to the committee. (A copy is on file in the Research Department)

Minutes for the Transportation Committee meetings of February 21st, 22nd and 23rd were presented for corrections or additions. Representative Mason made a motion to accept the minutes as presented, seconded by Representative Crabb and the motion carried.

Vice-Chairman Myers adjourned the meeting at 2:15 p.m.

The next meeting is scheduled for March 8, 1995.

LANA OLEEN
SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIR: FEDERAL AND STATE AFFAIRS
CHAIR: LEGISLATIVE EDUCATIONAL PLANNING
VICE-CHAIR: LEGISLATIVE POST AUDIT
COMMITTEE MEMBER: EDUCATION
JUDICIARY
CONTRACT AUDIT
COMMISSIONER: MIDWESTERN HIGHER
EDUCATION COMMISSION

LEGISLATIVE HOTLINE
1-800-432-3924

TESTIMONY ON SB 109 AND SB 201

March 7, 1995

Chairman King and Members of the House Transportation Committee:

Thanks for giving me an opportunity to appear before you today on these two bills.

The provisions in SB 109 were requested by one of the school districts I represent. However, the bill has state-wide applicability in allowing local school boards the authority to provide for the use of district owned or leased buses when the buses are not in use for required school purposes. Local control and decision-making on the buses would be left to elected school board members through passage of this bill. There is no state fiscal impact reflected in SB 109.

The provisions of SB 201 were requested by some community members in Manhattan. The policy reflects the notion that in the cases of emergency situations, the local elected officials - county commissioners - could designate any vehicle to be classified as an emergency vehicle. Situations like the 1993 flood, tornadoes and storm related catastrophes continue to occur, and the bills provisions (with no state or local fiscal impact) would enable local elected officials to react more expediently.

I appreciate your consideration of these bills.

Senator Lana Oleen

*House Transportation Committee
March 7, 1995
Attachment 1*

To: Honorable Members of the House Transportation Committee

From: Eric Ward, MICT, NREMT-P

Ref: Testimony on Senate Bill 201

Ladies and Gentlemen, Greetings:

Prior to 1993, the designation of emergency vehicles in the State of Kansas was the responsibility of the Secretary of Transportation, and was governed by KAR 32-2-3 and 32-2-4. During the 1993 Legislative Session that responsibility was transferred to the local County Commission of the county in which the vehicle would be operating. It is now governed by KSA 8-2010 and 8-2010a. In writing the current statutes, most of the language was copied from the Kansas Administrative Regulations, but parts were left out for some reason. As a result, there are several categories of emergency vehicles which do not fall within the letter of the current law.

There are two portions of the current statutes that state what vehicles are eligible for emergency vehicle designation. In KSA 8-2010 (c) it lists three categories of vehicles which are presumed to be emergency vehicles without any further designation: Fire Department Vehicles, Police Vehicles, and Ambulances licensed by the Board of EMS. In 2010a (b) it lists five other categories of vehicles which may be operated as emergency vehicles upon designation by the board of county commissioners:

- (1) Wreckers;
- (2) civil defense vehicles;
- (3) emergency vehicles operated by public utilities;
- (4) the privately owned vehicles of firemen or volunteer firemen;
- (5) the privately owned vehicles of police officers.

Unfortunately, these lists do not include at least two major categories of vehicles that are commonly used statewide. Firstly, EMS vehicles such as supervisors' vehicles, directors' vehicles, first response vehicles, staff and support vehicles, and so forth are not listed anywhere. The only EMS vehicles listed are licensed ambulances. Those just listed are not licensed as ambulances that transport patients, but are clearly emergency vehicles. Most larger EMS services have supervisor vehicles, and perhaps the majority have some form of staff vehicle for the director, as part of these individuals' jobs is to respond to and oversee emergency calls. However, in a strict interpretation of the statutes, there is no provision for these vehicles to have red lights and sirens.

Another deficiency is private vehicles of EMS personnel. A great many services (perhaps the majority) of Kansas EMS departments rely heavily or exclusively on either volunteer or on-call personnel, who hold other jobs, and either respond from work or home on emergency calls. This response may be to their station, or directly to the scene, depending on the service's individual policies. In some areas these people are issued emergency vehicle permits, as volunteer firefighters are. Again, though, the

*House Transportation Committee
March 7, 1995
Attachment 2*

statute specifically lists firefighters and police officers, but not EMS personnel. HB 2240 had proposed adding volunteer EMT's to the existing list, but that was not a workable solution, since many of these "volunteers" are actually paid-on-call, paid-by-the-call, or otherwise compensated in some form and would therefore still not qualify.

A third category of vehicle that is excluded is rescue squads. If the rescue squad is part of a fire or police department, it is covered, but rescue squads that operate independently, or as part of an EMS agency are not included in the statutes as currently written.

In researching the background of the current statutes, I found that two simple changes could address all these problems. These are the changes proposed in SB 201. The first is simply a wording change. In KSA 8-2010 (b), it lists publicly owned police and fire vehicles. The first draft had included publicly owned ambulances, but that was changed to ambulances licensed by the Board of EMS, as a number of private EMS providers operate licensed ambulances the same as public agencies, and it was felt since they were already inspected and licensed by the state, no further designation should be required in order for them to have red lights and sirens. A simple change of wording, from "motor vehicles licensed as ambulances by theboard..." to "*Motor vehicles operated by ambulance services permitted by the ... board...*" This way, an ambulance service operating under permit by the EMS Board can place red lights and sirens on staff and support vehicles, as well as licensed ambulances without further designation from the county commission being required. One note, the wording was changed from licensed to permitted, as the ambulance vehicle itself is licensed, but the service operates under a permit from the Board of EMS.

The second change is in KSA 8-2010a (b). Proposed point number six is taken directly from the original Kansas Administrative Regulations. It was in the original regulations, and according to opinions I have received from the Attorney General and the Kansas Board of EMS, is clearly the intent of the current statute. By returning it to the statute, it reinforces that the local governing body has the authority to designate whatever vehicles they believe to be necessary to their local needs. It reads:

"(6) Any other vehicle when it is determined by the board of county commissioners that such designation is necessary to the preservation of life or property or carrying out emergency governmental functions.

This clause accomplishes several things at once. First, it addresses the needs of rescue squads, private vehicles of EMS personnel, (both volunteer as in HB 2240, and paid or on-call), and so forth. It would not require the county commission to designate any of them, but would authorize them to do so, if they felt it appropriate to the needs of their county. Secondly, and perhaps even more importantly, the wording allows the local government of each county to address their own needs, while relieving the rest of us from the responsibility to try to determine and address the needs of counties that we are totally unfamiliar with. There is no way for you or I to know and address the needs of 105 counties, but with this amendment to the statute, they are authorized to address their own needs based on the resources, available emergency services, liability concerns, and so forth. No one can make that decision for them better than they can. The wording also establishes fairly strict guidelines on what justifies emergency vehicle designation, so that it does not become an abused privilege.

I appreciate your consideration and support for SB 201. By clarifying that EMS vehicles that are not ambulances are emergency vehicles, and clarifying the authority of the local county commission to designate whatever other emergency vehicles their local needs dictate, we are improving the efficiency of government, as well as potentially improving the delivery of emergency care.

I welcome any questions you may have. Please feel free to contact me any time at the addresses and phones below.

Eric A. Ward
1330 Givens Road
Manhattan, KS 66502-2541
(913) 537-2263
(home)

or

Riley County EMS
2011 Claflin Road
Manhattan, KS 66502
(913) 539-3535
(office)



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

TO: HOUSE TRANSPORTATION
FROM: WILLIE MARTIN
SUBJ.: SENATE BILL 201
DATE: MARCH 7, 1995

Sedgwick County supports the amendments of K.S.A. 8-1404, 8-2010, and 8-2010a to allow ambulance service vehicles that are not ambulance vehicles licensed by the Kansas Board of Emergency services to be designated as "Authorized Emergency Vehicles."

Sedgwick County operates seven (7) vehicles that do not fit the current category of "Authorized Emergency Vehicles" as defined in K.S.A. 8-1404 or 8-2010. We support the designation of ambulance service's staff and support vehicles as "Authorized Emergency Vehicles." We believe it is consistent with the automatic designation of support and staff vehicles of other emergency services, such as fire and police departments.

Under K.S.A. 65-6101 ambulance services are "Permitted" by the Kansas Board of Emergency Medical Services. Sedgwick County supported the Senate Amendment changing the term "licensed" to "permitted."

We respectfully request your support of Senate Bill 201.

*House Transportation Committee
March 7, 1995
Attachment 3*



RILEY COUNTY

EMERGENCY MEDICAL SERVICE
913•539•3535
2011 CLAFLIN ROAD
MANHATTAN, KS 66502

A department of Memorial Hospital Association

Larry Couchman, RN, MIC
Director

DATE: March 7, 1995

TO: Honorable Members of the House Transportation Committee

FROM: Larry Couchman, Director Riley County Emergency Medical Service, and
Member of the Executive Committee of the Kansas
Association of EMS Administrators (KAEMSA)

REF: Senate Bill 201

Representing both the above organizations, I come before you today presenting written testimony as a proponent of senate bill 201.

This bill will provide a simple but comprehensive correction to the statutes that govern the designation of emergency vehicles. KSA 8-2010 and 8-2010a, as amended, now grant the county commissioners the authority to designate certain types of vehicles as "emergency vehicles." The statute also lists certain vehicles that are authorized to serve as emergency vehicles without further designation.

Captain Eric Ward, an officer in my department has completed a great deal of research on these statutes. In lieu of being repetitive and restating the history of these statutes, I encourage you to review his written testimony. His testimony will explain in detail the reasons a change in statute is being requested. I concur with his testimony in its entirety. I feel that the proposed change in statute that is included in SB 201 follows past legislative intent as it addresses authorized emergency vehicles.

Thank you for your consideration and support of SB 201. If you have any questions or request some clarification, please contact me at the above number.

*House Transportation Committee
March 7, 1995
attachment 4*



TO: House Committee on Transportation
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 7, 1995

RE: Testimony on S.B. 109

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to offer comments on S.B. 109, which would give local boards of education general authority over the use of school district buses when these vehicles are not being used for regular student transportation.

Under current law, boards may authorize the use of school buses only for certain specified purposes. As introduced in the Senate, S.B. 109 would have added one more item: contracting with postsecondary institutions for transportation to and from functions and activities. KASB supported the bill as introduced. Because this option would be at the discretion of the locally elected school board, involving the use of a school district resource for a community event, it's hard to see why the state should object. But in the Senate Committee, we raised a broader question: Why should a school district have to seek legislative authority to make what seems to be so obviously a community decision?

The reason, of course, is that school boards have only "enumerated" powers; they can only take action that is specifically authorized in statute. This differs from the concept of "home rule" generally granted to cities and counties, which means that local units may take whatever action they believe is in the interest of that political entity, as long as it is not prohibited by state or federal law. One year ago, our association voted to seek legislation that would grant school districts certain powers of local control or home rule. We believe that more authority for local decisions should be returned to the local school district. The Senate Education Committee appeared to agree with this position, at least as far school bus use is concerned. As amended, S.B. 109 would allow local boards, instead of the state, to set policies on how each district's school buses can be used.

We hope this committee will share that view and recommend the bill for passage. At a minimum, we hope you will recommend the change proposed in the bill as introduced.

Thank you for your attention.

*House Transportation Committee
March 7, 1995
Attachment 5*