

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil upon adjournment of the Senate at 10:03 a.m. on March 7, 2003, in Room 531-N of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Gerald Goodell, Kansas Judicial Council  
Jim Keating, President Kansas State Firefighter Association  
John Lloyd, President Kansas State Fire Chiefs Association (written only)  
Casey McCoy, Kansas Forrest Service  
David Lake, Board of Emergency Medical Services  
Representative Tom Sloan (written only)  
Erik Sartorius, City of Overland Park (written only)  
Danielle Noe, Intergovernmental Relations Manager, Johnson County Board of Commissioners  
Stuart Little, Kansas Community Corrections Association (written only)

Others attending: see attached list

**HB 2034 - Kansas power of attorney act**

Chairman Vratil opened the hearing on **HB 2034**. Gerald L. Goodell, on behalf of the Kansas Judicial Council, testified in support of **HB 2034**, and said that this bill deals only with the traditional durable power of attorney for business purposes. He said that the Missouri Power of Attorney Act was used as the basis for the drafting of the new Kansas Act. In his written testimony he detailed the differences between the proposed new act in **HB 2034** and the existing Kansas act. His testimony also included copies of the current statutes that are proposed to be repealed. Mr. Goodell also pointed out some clerical errors that should be corrected on pages 3, 7, and 14. The Chair went over the changes that were made by the House Judiciary Committee on page 6 carrying over to page 7 and also on pages 18 and 19 regarding the soldiers and sailors civil relief act. Mr. Goodell stated that the Judicial Council was supportive of the changes. (Attachment 1)

After further discussion and questions, Chairman Vratil closed the hearing on **HB 2034**.

**HB 2068 - Tort claims liability; immunity; fire control and rescue equipment**

The Chair opened the hearing on **HB 2068**. Jim Keating, President of the Kansas State Firefighters Association, spoke in support of **HB 2068**. He explained the bill simply sets up a standard means for a fire department to donate usable equipment to another department and limits the liability that could be involved with such a transaction. He said the formal administration of this program would be handled by the Kansas Forest Service, and there is no cost to this bill. He explained a couple of simple amendments that were added when the bill was in the House Judiciary Committee. (Attachment 2)

Casey McCoy, Rural Fire Coordinator, Kansas Forest Service, testified in support of **HB 2068**. He told the Committee about a similar program in Texas. He stated that many of the fire departments that utilize excess property would not have the ability to provide the level of protection they currently offer without that program. He explained that the Federal Excess Property Program (FEPP) enables them to acquire excess military vehicles and equipment and loan them to rural fire departments. He said that this program would be a valuable supplement to FEPP. (Attachment 3)

John M. Lloyd, President, Kansas State Association of Fire Chiefs, submitted written testimony in support of **HB 2068**. (Attachment 4)

David Lake, Administrator of the Kansas Board of Emergency Medical Services, appeared before the Committee in support of **HB 2068**. He stated that this bill would limit the liability for the donation of

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 7, 2003 in Room 123-S of the Capitol.

certain equipment to a fire department, fire district, volunteer fire department, a medical emergency response team, or the Kansas Forest Service if the donor or donee believes the equipment is serviceable or may be made serviceable and the donee maintains the donated equipment in a safe and serviceable manner. (Attachment 5)

Written testimony was submitted by Representative Tom Sloan in support of **HB 2068**. (Attachment 6)

Erik Sartorius, City of Overland Park, submitted written testimony in support of **HB 2068**. (Attachment 7)

After brief questions and discussion regarding the language on page 2 which expanded the definition of "employee", the Chairman closed the hearing on **HB 2068**.

**HB 2089 - Juvenile corrections advisory boards; county commissioners shall appoint at least 3 but not more than 6 additional members**

Chairman Vratil opened the hearing on **HB 2089**. Danielle Noe, testified on behalf of the Johnson County Board of Commissioners, in support of this bill. She stated that this bill does two things, one of which corrects a technical error, and the other would be a policy change of allowing the Board of County Commissioners to appoint three additional members to the Juvenile Corrections Advisory Board (JCAB). She said that the additional appointments would be representative of public or private social service agencies, ex-offenders, healthcare professions, and the general public. She said there is not a cost to the addition of 3 positions since it is done in a voluntary capacity. (Attachment 8)

Written testimony was submitted by Stuart Little on behalf of the Kansas Community Corrections Association in support of **HB 2089**. (Attachment 9)

Following brief questions and discussion, the Chairman closed the hearing on **HB 2089**.

The meeting adjourned at 11:15 a.m. The next scheduled meeting is March 10, 2003.





## KANSAS JUDICIAL COUNCIL

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### MEMORANDUM

**TO:** Senate Judiciary Committee  
**FROM:** Kansas Judicial Council - Gerald L. Goodell  
**DATE:** March 7, 2003  
**RE:** 2003 HB 2034 - Kansas Power of Attorney Act

#### BACKGROUND

In the past year the Kansas Judicial Council and the Kansas Judicial Council Probate Law Advisory Committee agreed it is desirable for Kansas to have a more comprehensive power of attorney law. Members of the Probate Law Advisory Committee are:

Gerald L. Goodell, Chair, Topeka  
Cheryl C. Boushka, Overland Park  
Judge Sam K. Bruner, Overland Park  
Tim Carmody, Overland Park  
Michael L. Clutter, Topeka  
Peter A. Cotorceanu, Topeka  
Martin B. Dickinson, Jr., Lawrence  
Jack R. Euler, Troy  
Senator Greta Goodwin, Winfield  
Mark Knackendoffel, Manhattan  
Justice Edward Larson, Topeka  
Philip D. Ridenour, Cimarron  
Willard B. Thompson, Wichita

The Committee was aware that several states were revising their power of attorney laws and obtained a research memorandum from the Advisory Committee on Durable Powers of Attorney to the Joint Editorial Board on Uniform Trusts and Estates Acts of the Uniform Law Commissioners. The memorandum was used as a reference by the Probate Law Advisory Committee and the Judicial Council in this project.

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The work of the Judicial Council Committee was reviewed by a committee of the bar association. The proposed bill was also reviewed by the bankers association and the Kansas Life Project. The bill, as passed by the House is acceptable to all of the groups.

The Committee also became aware that nationally there are developing trends or concerns with respect to the following power of attorney issues:

1. Fiduciary standards of care and remedies for power of attorney abuse.
2. Liability and sanctions for refusal to accept attorney in fact's authority.
3. Protection for third party good faith reliance on agents authority.
4. Relative authority of later-appointed fiduciary or guardian vis-a-vis the agent.
5. Authority to make gifts.
6. Springing powers.
7. Impact of divorce or legal separation on the authority of a spouse/attorney in fact.
8. Portability of powers of attorney.

After considering the issues the Judicial Council Probate Law Advisory Committee undertook the drafting of a new Kansas power of attorney statute. Because it is one of the most comprehensive and because a number of the advisory committee members were familiar with it and had a favorable impression of it, the Missouri Power of Attorney Act was used as the basis for the drafting of the new Kansas act.

#### Changes in New Act

There are differences between the proposed new act in HB 2034 and the existing Kansas act, some of the differences are:

- HB 2034 contains a definitions section, current Kansas law does not. (Sec. 2)
- HB 2034 requires that a durable power of attorney be signed, dated and acknowledged. Current Kansas law is silent on those matters. (Sec. 3)
- Under HB 2034 general powers may be granted without including in the power of attorney an exhaustive list of all powers. (Sec. 5)
- HB 2034 lists powers that may be granted to an attorney in fact, but must be expressly authorized in the power of attorney to be granted. Included in this list is the authority to make gifts. Kansas is currently silent on such authority. (Sec. 5[f][3]). Added to this list at the suggestion of the bar association is the ability to alienate the homestead without the

joint consent of husband and wife, if the power of attorney is properly written .  
(Sec.5[f][10])

- HB 2034 lists powers which may not be delegated to the attorney in fact. (Sec. 5[g])
- Under HB 2034, duties of the attorney in fact are listed. Included is the right to nominate a guardian or conservator or both by power of attorney. (Sec.7)
- Under HB 2034, instances terminating or modifying a power of attorney are listed including filing for annulment, separate maintenance or divorce of the principal and the principal's attorney in fact, which would terminate the power of attorney, unless the power of attorney provides otherwise. (Sec. 8)
- The bill adopts 50 U.S.C. 501 of the Soldiers & and Sailors Civil Relief Act by reference. (Sec.16).
- In addition, there are a number of other matters in HB 2034 on which Kansas law is currently silent:

Multiple agents may act individually and the instrument may specify joint or several actions. (Sec. 4)

Fiduciary standard of care is addressed. (Sec. 7)

As to third party liability under HB 2034, if there is reasonable reliance on the durable power of attorney, then there is no liability to the principal.  
(Sec. 9)

Successors to an attorney in fact is addressed. (Sec. 11)

Compensation and expense reimbursement is addressed. (Sec. 12)

A durable power of attorney is valid if executed in another state. ( Sec. 14)

### Repeals

Attached at the end of this memorandum are copies of the current statements that are proposed to be repealed.



Repeal:

**Article 6.—POWERS AND LETTERS  
OF ATTORNEY**

**Cross References to Related Sections:**

Acknowledgment of instruments relating to real estate, see 58-2211.

**58-601. Acknowledgment and proof; recordation.** All letters of attorney or powers of attorney intended for use in this state for any purpose may be acknowledged or proved in the same manner as conveyances of land are acknowledged or proved. When any letter of attorney or power of attorney is acknowledged or proved in such manner, the same may be recorded in the same manner as a conveyance of land is recorded. A copy of any such letter of attorney or power of attorney, duly certified, shall be admitted in evidence without accounting for the nonproduction of the original thereof. Such letter or power of attorney may require the principal to record any revocation of the authority set forth in the letter or power of attorney in the same manner and also the mailing of a copy thereof by restricted, registered or certified mail to the persons named in the letter or power of attorney.

**History:** L. 1943, ch. 232, § 1; L. 1976, ch. 239, § 1; July 1.

**58-602. Revocation; recordation.** Any instrument in writing revoking or purporting to revoke any letter of attorney or power of attorney when acknowledged or proved in the same manner as a conveyance of land is acknowledged or proved, may be recorded in the same manner as a conveyance of land is recorded, and with like effect from the time of its recording. If such instrument revokes or purports to revoke the authority set forth in any letter or power of attorney which requires notice pursuant to K.S.A. 58-601, the persons entitled to such notice may continue to rely on the authority set forth in the letter or power of attorney until such notice is received.

**History:** L. 1943, ch. 232, § 2; L. 1976, ch. 239, § 2; July 1.

Repeal:

**58-610. Durable power of attorney; meaning.** A durable power of attorney is a power of attorney by which a principal designates another as the principal's attorney in fact in writing and the writing contains the words "this power of attorney shall not be affected by subsequent disability or incapacity of the principal" or "this power of attorney shall become effective upon the disability or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incapacity.

**58-611. Same; not affected by disability of principal.** All acts done by an attorney in fact pursuant to a durable power of attorney during any period of disability or incapacity of the principal have the same effect and inure to the benefit of and bind the principal and the principal's successors in interest as if the principal were competent and not disabled.

**58-612. Same; relation of attorney in fact to court-appointed fiduciary.** (a) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a conservator, guardian of the estate or other fiduciary charged with the management of all of the principal's property or all of the principal's property except specified exclusions, the attorney in fact is accountable to the fiduciary as well as to the principal. The fiduciary has the same power to revoke or amend the durable power of attorney that the principal would have had if the principal were not disabled or incapacitated.

(b) A principal may nominate, by a durable power of attorney, a conservator, guardian of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

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**58-613. Same; not revoked until notice.** (a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal's successors in interest.

(b) The disability or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the disability or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

**58-614. Same; other powers; continuance by affidavit.** As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney in fact under a power of attorney, durable or otherwise, stating that the attorney in fact did not have, at the time of exercise of the power, actual knowledge of the principal's death, disability or incapacity or of the termination of the power by revocation is conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section does not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

**58-615. Uniform construction of act.** This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

**58-616. Title of act.** This act may be cited as the uniform durable power of attorney act.  
History: L. 1980, ch. 161, § 7; April 4.

**58-617. Severability of provisions of act.** If any provision of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.





*Kansas State Firefighters, Association Inc.*

Organized August 13, 1887

TESTIMONY

Reference

HOUSE BILL 2068

Presented to:

SENATE JUDICIARY COMMITTEE

Presented by:

JIM KEATING, PRESIDENT

KANSAS STATE FIREFIGHTERS ASSOCIATION

Senate Judiciary

3-07-03  
Attachment 2-1

I sincerely thank you for your interest in this legislation and allowing time for a hearing on the proposal. In my 30 years of experience in the Kansas Fire Service, the issue that would be resolved by this bill has been discussed on numerous occasions over the years. This bill simply sets up a standard means for a fire department to donate usable equipment to another department and limits the liability that could be involved with such a transaction.

The Kansas State FireFighters Association travels each month to a fire department somewhere in Kansas and presents a 2-day free training school. During those travels, it is not unusual to find small fire departments that have only 3 or 4 sets of firefighter protective clothing and the department may have 10-12 members. What this means is it is possible that members are responding to calls and conducting firefighting operations in regular clothing, which exposes them to hazards and limits the ability to work in a dangerous environment. This same department may also not have self-contained breathing units and have little or no usable fire hose or if they do have such items they are often over 20 years old.

Many mid-size and larger fire departments change out equipment and fire gear on a regular basis and simply discard the equipment being removed from active service. While the equipment may not meet the ever changing standards of today, most often it is very safe and usable, especially for use in a department where the call volume is low. Today, a department removing equipment from active service will likely trash the items rather than donate because of the concern of it not meeting current standards and the possible liability from its use.

A great incentive of this bill is its formal administration through the Kansas Forest Service. The Kansas Forest Service has for many years successfully operated a used vehicle loan program. This simply will be an extension of that valuable program.

The Kansas State FireFighters Association and the Kansas Fire Service Alliance strongly supports this effort and legislation and we sincerely ask for your support.

Jim Keating

[smksfd@earthlink.net](mailto:smksfd@earthlink.net)

785-437-0172



DATE: March 7, 2003

TO: Honorable John Vratil, Chairperson

FROM: Casey McCoy, Rural Fire Coordinator

RE: HB 2068

**Kansas Forest Service**

2610 Claflin Rd.  
Manhattan, KS 66502-2798  
785-532-3300  
Fax: 785-532-3305  
E-mail: kfs@lists.oznet.ksu.edu  
<http://www.kansasforests.org>

Mister Chair, members of the Committee. I am Casey McCoy, Rural Fire Coordinator with the Kansas Forest Service. I would like to thank you for the opportunity to speak today.

Before I explain why the Kansas Forest Service supports HB 2068, I want to provide some background information on a similar program in Texas. In 1997, the Texas Legislature passed HB 680, a measure very similar to the one before you today. In response, the Texas Forest Service created the VFD Helping Hands Program. That program serves as a collection point for an individual, agency, fire department or private business to donate equipment that may be utilized or reutilized for fire suppression. The Texas Forest Service then transfers the equipment and it's ownership to volunteer fire departments. Fire departments submit requests for equipment, which are filled when equipment becomes available. I contacted Bill Spencer, the manager of the Texas program, and in his words, the program has been very well received. The financial impact on their operations has been measurable but minimal and a good deal of equipment has gone through the program and found another life in a fire department, not the dumpster.

We support HB 2068 because it is good for firefighters, not because it benefits the Kansas Forest Service. We focus on improving the ability of fire departments to safely and effectively protect their citizens from fire. All one needs to do to see an example of the level of need is look at current programs at the Kansas Forest Service. For example, the Federal Excess Property Program enables us to acquire excess military vehicles and equipment and loan them to rural fire departments. We have a large fleet in the state, with over 700 total pieces, including more than 600 trucks.

Many of the departments that utilize excess property would not have the ability to provide the level of protection they currently offer without that program. Recently however, due to some legislative changes nationally and the general state of the military today, the availability of equipment through the excess property program has become extremely limited. As an example, we currently have requests from 86 fire departments for 4 wheel drive pickups that we are unable to fill. In the 3-½ years I have been Rural Fire Coordinator, we have not acquired a single 4x4 pickup.

This program would be a valuable supplement to FEPP. Would it become a complete replacement? Probably not. But it would provide an opportunity to expand the quantity and type of equipment available. Federal regulations do not allow us to acquire vehicles to be used for rescue or emergency medical services. I personally believe that is a limited, unrealistic view of what many fire departments do, but it isn't something within our ability to change. We are also not allowed to acquire computers, which is a necessity to a fire department. And although we are authorized to acquire radios and protective clothing, both are rarely available and the inventory requirements for radios are such that it's impractical to obtain them. The changes suggested in HB2068 would enable the Kansas Forest Service to provide a level of service to Kansas fire departments that is much improved, better reflects the "all risk" nature of what they do and could build their capacity to a great extent.

I could give you additional figures to illustrate the need for HB2068, but the best utilization of time may be spent responding to your specific questions. I appreciate the opportunity to speak.

**KANSAS**

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**Testimony of**  
**John M. Lloyd, President Kansas State Association of Fire Chiefs**  
**Presented to the Senate Judiciary Committee**  
**March 7, 2003**

The Kansas State Association of Fire Chiefs (KSAFC) appear today in support of House Bill 2068 related to the donation of used Fire Equipment to another Fire Department without liability.

We have departments with no equipment and firefighters fighting fire in blue jeans and t-shirts. My department has had equipment available to our neighbors. Usually we make the department aware we have set some equipment out by our dumpster. Of course we make sure it is still serviceable and they have a need for it. An example is when we changed from inch and a half hose to inch and three quarter hose for attack lines. We had an excess of hose and a neighboring department really needed hose. This is the same department we call for help whenever we have a big fire.

The current version of the draft bill has one part relating to self-contained breathing apparatus that we think should be changed. The bill is calling for each unit to be tested and certified by a manufacture representative before giving the unit away. We feel this should be the responsibility of the department receiving the unit not the department giving it away. If this cannot be changed, then we believe this section of the bill should be removed. If departments want to give the units away they would not be covered under this bill.

We support the bill in concept and ask you not to make it to difficult for the fire service. We look at it as neighbors-helping neighbors like this country was built on.

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# KANSAS

DAVID LAKE, ADMINISTRATOR  
DENNIS ALLIN, M.D., CHAIR

KATHLEEN SEBELIUS, GOVERNOR

KANSAS BOARD OF EMERGENCY MEDICAL SERVICES

## *memorandum*

DATE: March 6, 2003

TO: Senator John Vratil, Chair and Members  
Senate Judiciary Committee

FROM: DAVID LAKE

RE: House Bill No. 2068

Mr. Chairman, members of this committee; Thank You! for the opportunity to provide you with this testimony in support of HB2068. As I understand it, this bill will limit the liability for the donation of certain equipment to a fire department, fire district, volunteer fire department, *a medical emergency response team*, or the Kansas Forest Service if the donor or donee believes the equipment is serviceable or may be made serviceable and the donee maintains the donated equipment in a safe and serviceable manner.

I believe there is great merit in this proposed legislation, especially as it applies to emergency medical services. As different pieces of equipment that are still useable or can be made useable are updated and/or replaced, they are discarded or destroyed as services are reluctant to donate or make the equipment available to another service that may be in need of the equipment from fear of liability. If the equipment is serviceable or can be made serviceable, it should be made available to a service in need.

In my first reading of the bill, I was concerned that it may limit "emergency medical services" to only those response teams established by K.S.A.48-928. However, after discussion with the Board's attorney she assures me that "employees", as defined in Section 1 (d), does include those ambulance services that are operated by a "Municipality". With that in mind, the Board of Emergency Medical Services fully supports this legislation.

I will be happy to answer any questions or respond to any comments or concerns you may have with this testimony.

Senate Judiciary

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Attachment 5-1

DM SLOAN  
 REPRESENTATIVE, 45TH DISTRICT  
 DOUGLAS COUNTY

COMMITTEE ASSIGNMENT  
 CHAIRMAN: HIGHER EDUCATION  
 MEMBER: UTILITIES  
 ENVIRONMENT  
 GENERAL GOVERNMENT &  
 HUMAN RESOURCES  
 BUDGET



TOPEKA

HOUSE OF  
 REPRESENTATIVES

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Testimony on HB 2068 – Senate Judiciary Committee

Mr. Chairman, Members of the Committee, I apologize for not appearing before you today on this bill. Unfortunately the Utilities Committee is hearing testimony on the Federal Communication Commission's recent ruling regarding broadband deregulation. In light of the interest in Kansas on broadband issues, my participation in the Committee is desired.

HB 2068 was introduced after representatives of Douglas County volunteer fire fighters met with me to discuss problems arising from the Lawrence Fire Department wanting to donate used, but still serviceable, equipment to the volunteers. I have since learned that this is a problem statewide.

Currently a fire department that wishes to donate used, serviceable equipment cannot simply donate the material because the donating department retains liability should any problems arise. The apparently common practice is for the larger department to place the materials behind the station or in a particular dumpster and call the smaller department with a list of the items available and their location. The volunteer fire department personnel then "dumpster dive."

HB 2068 provides civil liability protection if the donor believes that the equipment is serviceable or may be made serviceable; similar protection is provided for the donee, if the equipment is properly serviced prior to and maintained after being placed into service.

Following introduction of HB 2068, representatives of the Kansas Trial Lawyers Association and the Kansas Fire Fighters Alliance met with me. The Trial Lawyers' proposed amendments that were endorsed by the bill's sponsors and accepted by the House Judiciary Committee.

Also appearing before the Committee today will be a representative of Douglas County volunteer fire fighters. This bill is designed to make easier the acquisition of personal protective gear and fire fighting equipment. That representative can best describe the types of equipment generally made available and the importance of "hand me down" equipment to small, under financed, volunteer fire departments.

I apologize for not being present to respond to questions. I will appear at another Committee meeting if you so desire and will talk with any Committee member in your office about this bill. On behalf of Kansas' fire fighters, I ask the Committee to recommend HB 2068 favorable for passage.

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 Attachment 6-1





*Erik Santorius*

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Testimony  
Before  
The Senate Judiciary Committee  
Regarding  
House Bill 2068

March 7, 2003

Mr. Chairman and members of the committee, the City of Overland Park appreciates the opportunity to submit testimony in favor of House Bill 2068. We believe this bill will encourage the sharing of useful fire equipment among communities.

The quality of personnel serving as firefighters and the training they receive is without a doubt a vital part of successful fire and rescue departments. Just as integral, however, is the equipment these individuals use to meet the challenges they face.

Equipment in the fire and rescue realm is prohibitively expensive in many smaller communities. In tight economic times such as these, local units of government strike delicate balances to provide the services needed in their communities. Receiving donated fire equipment is one way they can ensure public safety without sacrificing some other important public service. This legislation will encourage jurisdictions with excess fire control, fire rescue or emergency medical services equipment to donate those items and will enable agencies to receive and utilize the equipment by limiting their respective liability with regard to the donation, receipt and use of said items.

The City of Overland Park asks that you recommend House Bill 2068 favorably for passage.

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Attachment 7-1



Johnson County, Kansas

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## BOARD OF COUNTY COMMISSIONERS

Testimony in support of HB 2089  
presented to the  
**Senate Judiciary Committee**  
by  
Danielle Noe  
Intergovernmental Relations Coordinator  
March 7, 2003

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of HB 2089.

HB 2089 would allow the Board of County Commissioners to appoint three additional members to the Juvenile Corrections Advisory Board (JCAB) for a total of six additional members. These additional members would be appointed by and serve at the pleasure of the Board of County Commissioners and would be representative of those categories specified in K.S.A. 75-7044(b). Such appointments would be consistent and comply with the provisions of K.S.A. 75-7044(c).

The number of members on a JCAB varies slightly depending on whether or not a single county establishes the JCAB or several counties work together. Currently, Johnson County has 13 official members on the Johnson County JCAB. We have been fortunate that other people have been a part of the process and have participated in the meetings of the JCAB. The ongoing support of the community led the Board of County Commissioners to approve by resolution the addition of three ex-officio members, who are members of the public and serve at the pleasure of the BOCC.

Johnson County believes that counties should have the latitude to expand the membership of the JCAB to enhance community participation and representation. These additional appointments would be representative of public or private social service agencies, ex-offenders, health care professions, and the general public.

Expansion of the membership of the advisory board is consistent with the flexibility provided by the legislature in K.S.A. 75-7039 and K.S.A. 75-7042 to preserve and recognize the power and local authority of the BOCC to determine the structure and administration of the juvenile justice services as presented in the comprehensive plan.

For these reasons, the Johnson County Board of County Commissioners requests favorable consideration of HB 2089.

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**STUART J. LITTLE, Ph.D.**  
Government Relations Consultant

March 7, 2003

Testimony before Senate Judiciary Committee  
House Bill 2089

Dear Chairman Vratil and Members of the Senate Judiciary Committee,

I am unable to attend the hearing today, but I appreciate the opportunity to provide written testimony on behalf of the Kansas Community Corrections Association in support of HB 2089. Community Corrections programs provide cost-effective community-based supervision for adult and juvenile offenders with lower severity level offenses (although the offenders are increasingly more severe and high-risk). The courts determine whether an offender is assigned to regular probation (through the courts) or intensive supervise probation in a community corrections program.

Community Corrections organizations are governed by local community corrections advisory boards. Our budgets are approved by our county commissioners and local control is a central tenant of community punishment. We support any effort to enhance the participation of community members in the management and oversight of our organizations. The juvenile justice reform is comprised of hundreds of partners and service providers around the state. Any means to enhance their participation is worthwhile.

Senate Judiciary

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Attachment 9-1