

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on February 11, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Lee - excused

Committee staff present:

J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research Department
Jonathan Tang, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Dan McLaughlin, State Fire Marshal
Robert Waller, Executive Director, Board of Emergency Medical Services (EMS)
Dave Sterbenz, Director, Shawnee County Emergency Management
Andy Moffitt, Kansas State Firefighters Association
Chris Way, Labette County Emergency Medical Services (EMS)

Others attending:

See attached list.

Introduction of bills

Duane Goossen, Secretary, Department of Administration, appeared before the Committee to request the introduction of legislation concerning Kansas Public Employees Retirement System (KPERS) school contributions.

Senator Kelly moved to introduce legislation concerning KPERS school contributions (9rs0696). The motion was seconded by Senator Taddiken. Motion carried on a voice vote.

Robert Waller, Executive Director, Board of Emergency Medical Services (EMS), appeared before the Committee to request legislation be introduced concerning EMS and scope of practices.

Senator Schmidt moved to introduce legislation concerning EMS and scope of practices (9rs0314). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Teichman moved to introduce legislation concerning vehicle insurance (9rs0722). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Senator Wagle appeared before the Committee to request the introduction of a bill regarding specialized vehicle license tags.

Senator Schodorf moved to introduce legislation concerning specialized vehicle license tags (9rs0780). The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator Haley appeared before the Committee to request the introduction of a bill concerning elections.

Senator Wysong moved to introduce legislation concerning elections (9rs0765). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

CONTINUATION SHEET

Minutes of the Senate Ways And Means Committee at 10:30 a.m. on February 11, 2009, in Room 545-N of the Capitol.

Hearing on SB 187 - State fire marshal commissioned inspector act; state educational institutions.

Jill Wolters, Office of the Revisor of Statutes, explained **SB 187** creates the State Fire Marshal Commissioned Inspector Act (Attachment 1). The bill would allow the State Fire Marshal and any state educational institution to enter into an agreement that would allow employees of the educational institutions to conduct building inspections. The State Fire Marshal indicates that there would be no fiscal effect to agency operations if the legislation is enacted.

Ms. Wolters noted the employee of a state educational institution who is appointed as a commissioned inspector shall not be considered an employee of the office of state fire marshal and receive no monetary compensation from the office of the state fire marshal for performing the duties of a commissioned inspector.

Responding to a question from the Committee, Ms. Wolters stated that the practice of the building inspections by an employee of the university, has been in existence for the past 10 years; however, there have been questions raised as to whether it was a valid practice. In clarification, Ms. Wolters noted that the stipulation of one year service applies only to the person appointed; not to the position.

Dan McLaughlin, State Fire Marshal, presented testimony in support of **SB 187** (Attachment 2). Mr. McLaughlin stated that the program works well by providing a person onsite at the university to do immediate inspections or answer questions. In addition, it provides increased life safety at the university. Mr. McLaughlin stated that the inspections of the employee on campus does not eliminate routine inspections by the State Fire Marshal, but assist in determining problem areas and provide immediate assistance.

The Committee voiced concern that the State Fire Marshal would not have oversight of the employee or the position if the individual is an employee of the university and not the State Fire Marshal. Mr. McLaughlin stated that the Fire Marshal's office conducts training for the individual and works with the individual to share information. The employee is also available to assist in periodic inspections conducted by the Fire Marshal's office. The program allows for the employee to be onsite to handle problems immediately and assist university officials with safety issues. Mr. McLaughlin noted that the program has worked very well in the past and is supported by the universities.

Written testimony in support of **SB 187** was received from Eric King, Director of Facilities, Kansas Board of Regents (Attachment 3).

The hearing on **SB 187** was closed.

Senator Schmidt moved to recommend SB 187 favorable for passage. The motion was seconded by Senator McGinn. Motion carried on a voice vote.

The Committee noted a concern with the legislation if it were directed at any other entity or agency other than state universities or educational facilities.

Report of Kansas Board of Emergency Medical Service (KBEMS) Revolving and Assistance Fund (KRAF) Grant Program

Robert Waller, Executive Director, Board of Emergency Medical Services, presented a report on the Kansas Board of Emergency Medical Services (KBEMS) Revolving and Assistance Fund (KRAF) Grant Program (Attachment 4). Mr. Waller explained that KRAF is a state funded grant program for Kansas EMS agencies and organizations to provide financial assistance based on demonstrated financial need. Awards are distributed through a direct appropriation to the EMS Regional Councils and through reimbursement and/or payment from the state to the grantee to purchase authorized items. Presently, the KRAF program is handled through an contractual agreement with Fisher Scientific (Quarter Master Program) to make purchases or submit a waiver through the state process. Mr. Waller reported that 45 applications have been received requesting KRAF grant funding in FY 2009, totaling \$2,149,634. It is estimated that KRAF available revenues will total \$536,961.

CONTINUATION SHEET

Minutes of the Senate Ways And Means Committee at 10:30 a.m. on February 11, 2009, in Room 545-N of the Capitol.

The Committee questioned the practice of using Fisher Scientific to handle the grant purchases, noting that some local vendors could possibly supply equipment and materials at a lower cost than Fisher Scientific. Mr. Waller explained that the purchaser has the option to purchase from Fisher Scientific or obtain a vendor request form to purchase from a local vendor.

Responding to a question concerning administrative costs of the Fisher Scientific contract, Mr. Waller stated that the administrative costs are paid by KBEMS. Mr. Waller noted that the process is the same as used by the Highway Patrol, with the contract procurement process handled by the Department of Administration. Mr. Waller stated that the amount paid to Fisher Scientific for administrative costs in FY 2008 was \$18,000.

Hearing on SB 221 - Duties of emergency medical services board.

Jill Wolters, Office of the Revisor of Statutes, explained that **SB 221** would authorize the Board of Emergency Medical Services to develop, implement, coordinate, and oversee a statewide system of emergency medical services disaster response that may incorporate nationally recognized emergency medical services standards (Attachment 5). The fiscal note indicates that the passage of the legislation would not result in any additional expenditures for FY 2010; however, the legislation could have a long range effect on agency operations as homeland security and emergency response activities increase.

Robert Waller, Executive Director, Board of EMS, presented testimony in support of **SB 221** (Attachment 6). Mr. Waller stated that the bill allows the Board of EMS to assist in coordination of emergency medical services when a disaster takes place. The legislation is not meant to replace the fact that all disasters are local and handled by local authorities, but to provide for the development, implementation, coordination and oversight of a statewide EMS disaster response plan when needed.

Dave Sterbenz, Shawnee County Department of Emergency Management, presented testimony in opposition to **SB 221** (Attachment 7). Mr. Sterbenz stated that the legislation would offer no gain for the citizens of Kansas. He felt that the Board of EMS is set up to be a regulatory agency, not a response agency.

Andy Moffitt, Trustee, Kansas State Firefighters Association, presented testimony in opposition to **SB 221** (Attachment 8). Mr. Moffitt felt that the legislation would give oversight authority to the Board of EMS and take oversight away from the local EMS directors and medical staff.

Chris Way, on behalf of the Kansas Major Emergency Response Group (MERGe) Team, presented testimony in opposition to **SB 221** (Attachment 9). Mr. Way indicated that he does not oppose the full content of **SB 221**; however, is in opposition to the language contained in Section 1 (12) that gives the Board of EMS the authority in "the development, implementation, coordination and oversight authority of a statewide system of emergency medical services disaster response". Mr. Way included alternate language in his testimony that could be incorporated into the bill allowing the Board of EMS to be involved in the development of local and regional resources; however, allow the local EMS units to maintain control.

Responding to a question from the Committee, Mr. Way stated that the Kansas MERGe Team started in 2000 when EMS directors felt the need for disaster plans and coordination between the various response groups. The plan started in southeast Kansas and has spread to other regions of the state. Members of the teams are trained and share information on how best to respond to disasters.

Written testimony in opposition to **SB 221** was received from the following:

John Hultgren, Director, Dickinson County EMS (Attachment 10).

Terry L. David, Director, Rice County EMS (Attachment 11).

The hearing on **SB 221** was closed.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 12:00 p.m.

**SENATE WAYS & MEANS COMMITTEE
GUEST LIST**

DATE: February 11, 2009

NAME	REPRESENTING
Dave Sterbenz	Sn Co Emergency Management
Chris Way	Wichita County EMS / MERGE
MARK WILLIS	Newton Fire/EMS
JANE FRIESEN	Sedgwick Co. EMS System / MERGE
Grant Helferich	Butler County EMS
Catherine Young, MD	Wichita-Sedgwick County EMS System
Pamela Kemp	Clay County EMS / Em. Management
KERRY McNEE	Ellis County EMS
JEFF SMITH	CITY OF LENEXA FIRE DEPARTMENT
Steve Cotter	Sedgwick County EMS
Dalene Deck	Sedgwick County EMS / MERGE
Andrew Moffitt	KS state Firefighters / city of Chanute
STEVE SUTTON	ICS BOARD OF EMS
MATT HULLMAN	Ellis - So. Kuttale
Alicia Parkman	KDHE
Cait Puninton-Day	KDHE
Peter Brodie	Emporia State University
JOHN DOUGHERTY	ESU
KEVIN PETERSON	KS Petroleum Council
KOB MEYER	KEANNEY & Assoc.
Julie Heen	Hem Law Firm
Mark Boranysch	CAPITOL STRATEGIES
Nelissa Wingenmann	KAC

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MEMORANDUM

To: Chairman Emler and members of the Senate Ways and Means Committee
From: Jill Ann Wolters, Senior Assistant Revisor *JAW*
Date: February 11, 2009
Subject: Senate Bill No. 187, the state fire marshal commissioned inspector act

Senate Bill No. 187 enacts the state fire marshal commissioned inspector act. The state fire marshal and any state educational institution, which is defined as the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university, and Fort Hays state university, may enter into an agreement under which employees of the state educational institution are commissioned by the state fire marshal to inspect buildings.

The agreement shall include provisions relating to:

- (a) The scope of the powers, duties and functions of commissioned inspectors and any limitations on such powers, duties and functions.
- (b) The procedures that will be followed by commissioned inspectors in conducting inspections and reporting the results of such inspections.
- (c) The qualifications of an employee who may be appointed as a commissioned inspector. The bill further states such employee shall be a fire inspector 1, or higher, and have successfully completed the Kansas building fire safety class. (The state educational institution could establish other qualifications, but these are the minimum.)
- (d) The term or length of time an employee shall be appointed as a commissioned inspector. The bill further states such employee may be appointed as a commissioned inspector for a term not to exceed one year. Upon the expiration of the term, an employee may be reappointed. (The state educational institution could make the appointment for less than one year, but not more than one year.)
- (e) The procedures or conditions under which an appointment as a commissioned inspector may be revoked by the state fire marshal.
- (f) Notification of the local fire authority of the time and location of inspections to be conducted by a commissioned inspector and the results of any such inspection.
- (g) Any other terms the parties deem necessary.

The bill clarifies that an employee of a state educational institution who is appointed as a commissioned inspector shall not be considered an employee of the office of state fire marshal and shall receive no monetary compensation from the office of the state fire marshal for performing the duties of a commissioned inspector.

Senate Ways & Means Cmte
Date 2-11-2009
Attachment 1



K A N S A S

DAN McLAUGHLIN
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

Testimony before the Committee on Ways and Means

By Dan McLaughlin, Kansas State Fire Marshal's Office

February 11, 2009

The proposed legislation concerning the Commissioned Inspectors is an act that gives authorization of Commissioned Inspectors agreements between state educational institutions, Regent universities, and the State Fire Marshal's Office.

The purpose is to increase the level of fire and life safety conditions for the people who live, work, occupy, and visit these facilities, as well as personnel and economic efficiency of state agencies.

The goal is to provide state managed facilities with individuals, trained by Kansas State Fire Marshal, to perform required fire inspections in his/her facility and coordinate the findings with the local fire chief and the State Fire Marshal's Office.

The agreement would establish boundaries, inspection types, enforcement activities, local jurisdiction, and other parameters as required.

The program is directed at individuals who already work in the state universities, who already have some degree of reasonability of maintaining the buildings. The positions are voluntary and would receive no compensation. The candidate would have to meet certain requirements established by Kansas State Fire Marshal's Office before the commission is accepted.

This bill would grant the Kansas State Fire Marshal the authority to appoint personnel to perform these types of tasks. However, please note that the local fire departments, the state regent schools, and Kansas State Fire Marshal's Office would all agree on the commissioned inspectors agreements and would work collaboratively together to ensure a successful program.

The Kansas State Fire Marshal's Office has had the commissioned inspector program in effect since 1997. We were advised by the AG (or Counsel) in 2008 that Kansas State Fire Marshal's Office did not have the proper authority to run this program. Kansas State Fire Marshal's Office along with the local fire departments and the Regent universities are seeking the statutorily authority to continue this program.



KANSAS BOARD OF REGENTS

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Testimony before the Senate Ways & Means Committee

**Eric King, Director of Facilities
Kansas Board of Regents**

February 11, 2009

Good morning Chairman Emler and Members of the Committee. Thank you for this opportunity to comment with written testimony in favor of Senate Bill 187.

Senate Bill 187 allows qualified employees at the state universities to become commissioned inspectors. The individuals would be appointed by and work in conjunction with the office of the state fire marshal.

Such an arrangement is beneficial to both the state universities and the Fire Marshal's office for several reasons:

- The Fire Marshal in essence gains manpower and a local presence.
- Addressing life safety issues can be done in a timely manner and problems can be resolved quickly.
- University inspectors are familiar with their buildings and know the life safety systems within them as well as subsequent upgrades. This is a significant factor as there are eight hundred eleven state-owned buildings in the Regents system.
- Building occupants are more likely to contact local inspectors early, heading off more serious problems.
- University inspectors responding to routine issues allows the Fire Marshal's office and their limited resources to focus on other critical issues.
- Having a single point of contact on campus promotes consistency in the interpretation of life safety codes.
- **This bill increases life safety.**

For the reasons stated above, the Board of Regents support Senate Bill 187.

Thank you.

Senate Ways & Means Cmte

Date 2-11-2009

Attachment 3

Report on the Kansas Board of Emergency Medical Services (KBEMS)
Revolving and Assistance Fund (KRAF) Grant Program
2009 Legislative Session



The Kansas Board of Emergency Medical Services exists, primarily, to ensure that quality out-of-hospital care is available throughout Kansas. This care is based on the optimal utilization of community resources that are consistent with the patient's needs. The delivery of optimal care is supported through the adoption of standards; definition of scopes of practice; and provision of health, safety, and prevention education and information to the public, Emergency Medical Services services/agencies Emergency Medical Services providers/instructors, related health care professionals, and other public service and political entities.

Senate Ways & Means Cmte
Date 2-11-2009
Attachment 4

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KBEMS REVOLVING AND ASSISTANCE FUND (KRAF) GRANT PROGRAM

History

2007 Senate Bill 8 pertained to television-type receiving equipment; school speed zones; idle reduction technology; tow trucks; safety belts; emergency medical services license plates; worksite utility vehicles; and all terrain vehicles.

Safety Belt Provisions. These provisions defined "passenger car" as a motor vehicle manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 or fewer passengers, including vans; required a person 18 years of age or older, sitting in the front seat of a passenger car, to wear a safety belt at all times when the car is in motion; required occupants of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who are 14 to 17 years of age, to wear a safety belt at all times when the vehicle is in motion; provided that from and after July 1, 2007 to December 31, 2007, a law enforcement officer will issue a warning citation to safety belt law violators; fined front seat occupants of a passenger car \$30 including court costs for not wearing a safety belt; and provided that from and after January 1, 2008, persons 14 to 17 years of age not wearing a safety belt will be fined \$60 including court costs.

The bill also created the Traffic Records Enhancement Fund to enhance and upgrade the traffic records systems in the state and create the EMS Revolving Fund to improve and enhance emergency medical services in the state. The bill also would provide that remittance from fines, penalties, and forfeitures received by the district will credit 2.5 percent of such monies to: the Children's Advocacy Center Fund; the EMS Fund; the Trauma Fund; and the Traffic Records Enhancement Fund. The remainder of remittances would go to the State General Fund.

The bill also authorized the issuance of nontransferable emergency medical services license plates. The plates will be available on and after January 1, 2008 to any resident owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, or motorcycles. The bill also required that an applicant provide proof to the Director of Vehicles that he or she is an emergency medical services attendant. Renewals of the plate will be made annually.

KBEMS Revolving and Assistance Fund (KRAF) Grant Program

The KBEMS Revolving Grant fund is a state funded grant program for Kansas EMS agencies and organizations to provide financial assistance based on demonstrated financial need. Funding is also recommended on the documented need of the specific item being requested. The primary goal of this program is to financially assist EMS agencies and organizations to purchase EMS equipment, vehicles and assist in education and training. Financing is derived from 2.5 percent of fines, penalties and forfeitures through the passage of 2007 SB 8.

The KRAF would be distributed through both a direct appropriation to the EMS Regional Councils and through reimbursement and/or payment from the state to the grantee to purchase for the awarded item(s). The KRAF requires the grantee to make the purchase for the awarded item/program through Fisher Scientific (Quarter Master Program) or submit a waiver (through the State waiver process) and then submit an invoice for reimbursement. The amount awarded through the KRAF is based on the approved amount requested for the item or project.

Distribution would be three fold:

Direct Regional Distribution (DRD): Directly to the six (6) EMS Regional Councils to maintain an overall Regional preparation and education in emergency medical services, homeland security, and education and training opportunities that benefit that geographical area. A percentage or amount of the total allocation will be provided directly to the EMS Regional Councils. The amount would total six (6) percent of the total grant or the equivalent of \$25,000 in total EMS Regional Funding from KBEMS (\$5,625 or whichever is less).

Individual Competitive Distribution (ICD): Applications will be accepted from individual services for training, education, equipment, which enhances the licensure and/or certification of the applicant.

Rural / Frontier Distribution: Rural counties (between 6.0 to 19.9 persons per square mile – 35 counties), Frontier counties (fewer than 6.0 person per square mile – 33 counties) as defined in the Kansas Department of Health and Environment (KDHE) Office of Local and Rural Health 2004 statistics. The amount would total fifty (50) percent of the total grant

The Financial Assistance Review Committee, better known as FARC, is the committee which reviews applications for the KBEMS Revolving and Assistance Fund (KRAF) grants. The purpose of FARC is to review the KRAF grant applications from eligible licensed Emergency Medical Services (EMS) agencies. FARC is composed of seven members, including a chairman, who each represent an EMS region throughout Kansas.

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<u>Name</u>	<u>Region</u>
Gary Winter	▶ Region I
Bill Taldo	▶ Region II
Darrel Kohls	▶ Region III
David Beam	▶ Region IV
John Shipley	▶ Region V
Darin Hamlin	▶ Region VI

Application dates:

Grant Period: 12 months
 Grant Cycle: July 1, 2007 through June 30, 2008
 Grant Application deadline: January 2, 2008
 Award Date: May 1, 2008
 Grant Modification: Must meet individual grant guidelines

FY 2008 KRAF Grant Information

Applications received	▶ 32 Services applied
Total amount requested	▶ \$1,139,381
KRAF amount	▶ \$824,986
Units of Government	▶ \$314,395

Budget

KRAF 2008 Cycle Budget		
Budgetary Estimate	\$	518,815
Local Match	\$	74,550
Regional Funding (DRD)	\$	(33,750)
Invidivudal Competitive (ICD)	\$	(467,696)
Rural/Frontier (RFD)	\$	-
Survey and Report	\$	(81,579)
TOTAL (Est. Carryover)	<u>\$</u>	<u>10,340</u>

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2008 KRAF Applicants and Equipment

<u>Elk County EMS</u>		
	Zoll E Series w/AED	1
	Sure Power Charging Station	1
<u>Greeley County EMS</u>		
	Medtronic Physio-control Lifepak Defibrillator	1
	Medtronic Physio-control Lifepak Trainer	1
<u>Conway Springs Vol. EMS</u>		
	Kenwood TK-3140	10
	Stryker Stairchair	1
	Medtronic LP-12	1
<u>Norton County EMS</u>		
	Simulaids Stat Manikin	1
<u>Quinter Ambulance Service</u>		
	Zoll M Series Defibrillator	1
<u>Atchison County EMS</u>		
	Stryker MxPro R3 Ambulance Cots	2
<u>Wallace County Ambulance</u>		
	Airway Trainer	1
	Motorola EX 500 Radios	12
	AED Pro (to be used on the units)	3
	Adult Manikin CPR	4
	Child Manikin CPR	4
	Infant Manikin CPR	4
	AED Trainer Manikin	1
<u>Satanta Ambulance Service</u>		
	Dell Vostro - Go through state contract for regular desktop computer	1
	Welch Allyn Pic 40 (Alliance Med)	1
	Texas Power Pro Cot	1
<u>Morris County EMS</u>		
	Stryker 6252 Stair Pro stair chair	1
	Zoll E Series ACLS monitor w/ attachments	1
	Icom F50V 11 RC VHF portable radio	24
<u>Rawlins County EMS</u>		
	Laredal portable suction unit	1
	Laryngoscope kits	1
	Motorola CDM 1250 UHF Radio	4
	Long spine board	6
	Motorola EX 600 Portable Radio	7
<u>Jefferson County EMS</u>		
	Motorola Portable Radio	10
	Smithworks Soft Pack IV Warmer	4
<u>Halstead Fire/EMS</u>		
	Lifepak 12 with 12 Lead AED	1
<u>Clearwater EMS</u>		
	Simulaids Adult ALS trainer	1

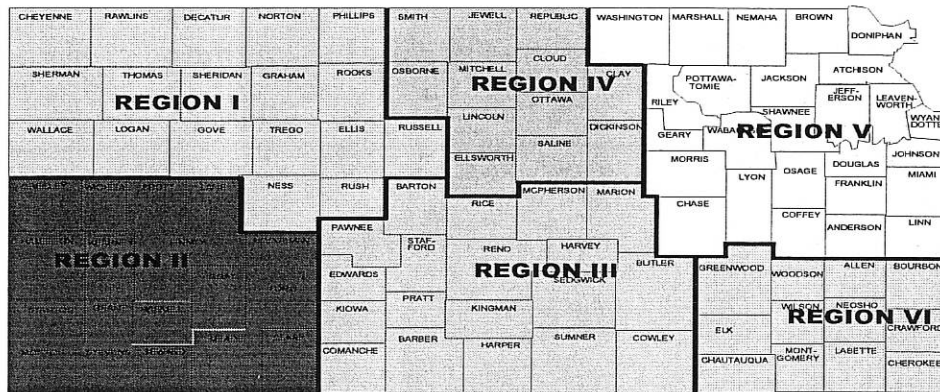
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For the FY 2009 Grant cycle that begin October 1, 2008 and ends June 30, 2009, the above \$10,340 will be utilized to continue the KRAF grant with the estimated amount of revenue totaling \$536,961

FY 2009 KRAF Grant Information

Applications received	▶ 45 Services applied
Total amount requested	▶ \$2,149,634.04

Other Assistance, Grants, and Benefits



EMS Regional Councils

Summary: The major expenditure in this category is the allocation of funds to support the Six Regions in Kansas. These regions provide support, information and communication to the approximately 11,000 EMS attendants certified in the State of Kansas. The Board of Emergency Medical Services in July and in January will disseminate half of the appropriated amount to the Six Regions. Each region is incorporated as a “Not for Profit” organization. The Regions may get additional funding with testing fees and also applying for local grants when available.

Note: As directed to all state agencies, KBEMS was instructed to include a **Reduced Resource Package (RRP)** in its FY 2009 estimate. The **Reduced Resource Package** reduces the overall budget (operations and grant funding) by 2 percent. That amount totals \$35,385. The reduction is “spread” over operations, aid to local (EIG only), and other gifts and benefits as instructed.

Current Year FY 2008: \$113,925 to support the Six Regions in Kansas in FY 2009. The expenses incurred in FY 2009 are completed funded from the EMS Operating Fund.

Budget Request FY 2009: \$113,925 to support the Six Regions in Kansas in FY 2010. The expenses incurred in FY 2009 are completed funded from the EMS Operating Fund.

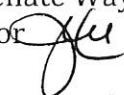
EMS Regional Council (FY 2008 ACTUAL)

	I (NW)	II (SW)	III (SC)	IV (NC)	V (NE)	VI (SE)
<u>Revenues</u>						
Balance Forward	\$ 50,035	\$ 25,080	\$ 72,236	\$ 22,060	\$ 29,129	\$ 23,271
Total transfer from KBEMS	25,000	25,000	25,000	25,040	25,000	25,000
Any Additional Funding Sources	35,067	53,136	24,887	21,264	56,973	1,500
TOTAL REVENUES	<u>\$ 110,102</u>	<u>\$ 103,216</u>	<u>\$ 122,123</u>	<u>\$ 68,364</u>	<u>\$ 111,102</u>	<u>\$ 49,771</u>
<u>Expenditures</u>						
Salaries and Wages	\$ 13,216	\$ 13,564	\$ 7,359	\$ 7,705	\$ 16,700	\$ 8,200
Contractual Services	\$ 16,877	\$ 52,668	\$ 17,775	\$ 27,798	\$ 42,666	\$ 12,490
<i>Communication</i>	1,411	20,141	2,700	1,331	2,316	1,571
<i>Printing and Advertising</i>	204	4,582	86	-	2,131	652
<i>Rents</i>	-	-	-	3,146	3,000	-
<i>Repairing and Servicing</i>	25	-	-	-	230	289
<i>Travel and Subsistence</i>	8,828	6,030	2,124	1,331	5,980	5,266
<i>Fees-Other Services</i>	1,604	2,307	1,167	2,679	6,899	375
<i>Fees-Professional Services</i>	4,804	19,608	11,698	19,312	22,110	4,337
Commodities	\$ -	\$ 1,935	\$ 3,116	\$ 20,658	\$ 33,573	\$ 1,366
Capital Outlay	\$ 21,305	\$ -	\$ 25,078	\$ -	\$ -	\$ 3,487
TOTAL	<u>\$ 51,398</u>	<u>\$ 68,167</u>	<u>\$ 53,328</u>	<u>\$ 56,162</u>	<u>\$ 92,939</u>	<u>\$ 25,543</u>
Balance forward	\$ 58,704	\$ 35,050	\$ 68,795	\$ 12,202	\$ 18,163	\$ 24,228

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MEMORANDUM

To: Chairman Emler and members of the Senate Ways and Means Committee
From: Jill Ann Wolters, Senior Assistant Revisor 
Date: February 11, 2009
Subject: SB 221, statewide system of emergency medical services disaster response

Senate Bill No. 221, relates to the duties of the emergency medical services board. In addition to other duties of the board, the board shall develop, implement and coordinate the authority of a statewide system of emergency medical services disaster response.

The bill further allows the board to incorporate by reference specific editions, or portions thereof, of nationally recognized emergency medical services standards in rules and regulations of the board. This would apply to any rules and regulations adopted by the board under this section, not merely the new authority of the statewide system of emergency medical services disaster response. This language is used in other statutes, for example, see K.S.A. 36-506, lodging standards, K.S.A. 35-507, food service standards, and K.S.A. 55-1812, fire prevention codes.

Senate Ways & Means Cmte
Date 2-11-2009
Attachment 5



KANSAS

DENNIS ALLIN, M.D., CHAIR
ROBERT WALLER, EXECUTIVE DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

BOARD OF EMERGENCY MEDICAL SERVICES

Testimony

Date: February 7, 2009
To: Senate Committee on Ways and Means
From: Robert Waller, Executive Director
RE: 2009 Senate Bill 221
KBEMS Responsibilities and Duties during an Emergency Response

Chairman Emler and members of the Senate Committee on Ways and Means, my name is Robert Waller. I am the Executive Director for the Kansas Board of Emergency Medical Services (KBEMS). I would like to provide comments on 2009 Senate Bill 221. The testimony corresponds with comments provided to the Legislative Committee on the Kiowa County Disaster Relief and Recovery Committee regarding KBEMS' responsibilities and duties during and following a disaster.

2009 Senate Bill 221, as introduced, adds the following language to K.S.A. 65-6111:

(12) the development, implementation, coordination and oversight authority of a statewide system of emergency medical services disaster response.

(b) Any rules and regulations of the board adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized emergency medical services standards

After the Greenburg Disaster, the Board undertook a review of its responsibilities relating to homeland security and disaster response. During the disaster, the Board was requested to staff the State Emergency Response Center (EOC) and discuss the emergency medical service activities on the ground. Once the scene was secure, and the after action report developed, the Board realized that its current authority and responsibilities had not been addressed and needed to be revised.

All disasters are local, and the language presented makes no change in that fact. The current language is not meant to command or own assets, but to assist in the coordination of emergency medical services. The Adjutant General's Office, Kansas Department of Health and Environment (KDHE), Kansas Highway Patrol (KHP), and other state agencies, do not respond to the scene of a disaster or open the State emergency operations center (EOC) to become the authority of a scene. The State's role is to assist the coordination of person, assets, and finances to relieve a local entity of the burdens and affect that a disaster brings to that community. No current law that exists allows a State agency to, upon their authority, command the response

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ons and assets) at the local level during a disaster. The State EOC is purposely opened to assist e
dination of those assets not the control of them.

Within the State Response Plan, Emergency Support Function #8 is listed as follows:

“...Public Health and Medical Services provide the mechanism for coordinated State assistance to supplemental local and tribal resources in response to public health and medical care needs to include veterinary and/or animal health issues when appropriate) for potential or actual disaster/emergencies involving a potential health or medical situations...”

KBEMS current responsibility within the Kansas Response Plan is as follows:

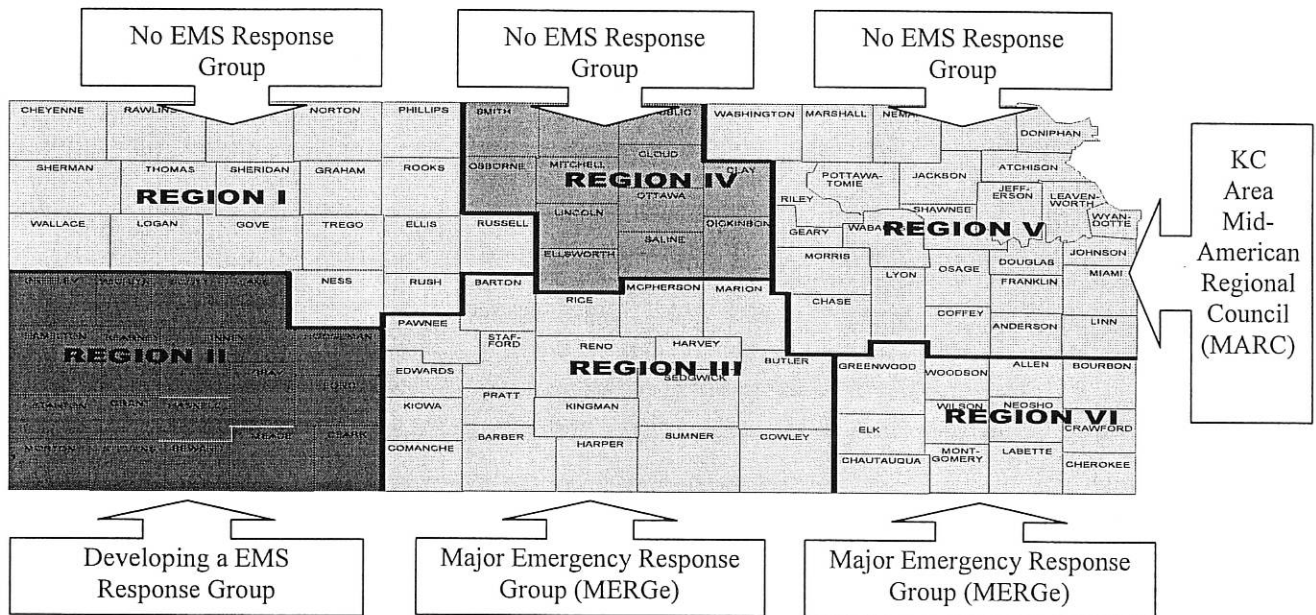
- Regulate ambulance services and personnel
- Maintain roster of first responders, emergency medical technicians, and paramedics

There is currently no statutory language written in either Statute or Rules and Regulation that outlines KBEMS responsibilities. Current law provides authority to KBEMS in relation to the regulation of EMS (attendants, services, education, and training) and does not speak to any role relating to homeland security or emergency response. Beginning with my tenure as the Executive Director, Board Staff was tasked with the review and development of a plan to outline KBEMS' responsibility relating to homeland security. The proposed (a conceptual overview of specific recommended changes submitted by KBEMS through KDHE for inclusion in Revisions of the Kansas Response Plan) are:

- Creating a set of “canned suspensions” that ease certain regulations within a Governor’s declared disaster meeting certain criteria;
- The response and coordination of EMS services through the State EOC with KBEMS as the lead EMS agency under ESF #8;
- Credentialing to allow for aid from other states to be provided seamlessly;
- Maintain a KBEMS element in the SEOC as an informational resource and enhance the role by managing EMS Assets and Expand the role to allow training, acquisition/employment, deployment, management and support of on-site EMS resources.
- Assume an active role in Regional EMS HLS planning and coordination,
- Serve as a liaison with EMS Coordinators on-site or, If activated, the KBEMS Field EOC (FEOC), to facilitate effective use of limited resources available.
- Initiate or assume the responsibilities of patient routing and tracking.
- KBEMS Emergency Medical Services Response Plan can be activated for any emergency or disaster that affects more than one jurisdiction, or requires resources beyond the capabilities of the affected jurisdiction. KBEMS-EMSRP may be activated by the local ambulance service, EMS Regional Council or local Emergency Manager, when the requests from the field can no longer be handled by the Center, or by the Incident Commander in anticipation of requests for resources that will be needed to handle an incident. KBEMS-EMSRP is activated by notifying KBEMS Duty Officer.

Currently, the State is made up of a number of teams that respond to disasters. Incident Management Teams (IMT) through the Adjutant General's Office, Hazardous Material Response Teams through the Fire Marshal's office, and any number of "teams" at the local level whose responsibility it is to respond in their area. Within EMS, the State is divided into six (6) regional councils. Some of the Regional Councils have an emergency medical response team, some are in the development, some do not (please see the map below).

The Major Emergency Response Group (MERGe) responded as command staff during the Greensburg disaster. MERGe is sponsored by Region III and VI, and is comprised of EMS attendants. MERGe was critical in the coordination of EMS assets at the scene. However, MERGe is not a statewide response group or a directly funded state asset (unlike the Hazmat teams of the Fire Marshal's Office). Although, KBEMS has provided funding to the Regional Council to expand MERGe throughout the Regional Councils. Due to conflicts, MERGe remains active in only two (2) Regional Councils. KBEMS also recognizes the Mid-America Regional Council (MARC) that is "stationed" within the Kansas City Metro Area. MARC's role is to provide a response within the Kansas City Area on both sides of the State line, but there is no coordinate role to move that team to areas outside the metro. Understanding the Kansas Emergency Response Plan, the role of the Board in the current emergency plans, and attempting to provide a State coordination to EMS response, the Board is currently developing a KBEMS Response plan to be integrated into the Kansas Emergency Response plan and vetted through the current response teams that exist.



In incorporating local EMS response assets and enhancing their capabilities via statewide EMS response teams being developed, the Board is requesting authority as the lead EMS agency in Kansas, to assist in the coordination, development, and implementation of the Statewide EMS Response Plan for Kansas. Additionally, in the instance of multi-agency response, or the utilization of out-of-state resources, no one local agency or organization can provide such oversight, because issues such as screening attendants and credentialing, pandemic flu response to a region of the state rather than local community and the allocation of resources to meet those needs, cannot be done at the local level due to their lack of statutory authority and limited resources. KBEMS has no intention of creating additionally restrictions or "hoops" for local EMS to have to respond to, but to assist them and the State in coordinating and connecting all segments of EMS response as KDHE has with health and public welfare.

Conclusion

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Thank you for allowing me to provide testimony on 2009 SB 221 and KBEMS' current role with hazardous materials response. I will stand for any questions you may have

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**SHAWNEE COUNTY
Department of
Emergency Management**

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Emergency Operations Center
Topeka, KS 66603
(785) 233-8200 ext. 4150
Dave Sterbenz, Director

SENATE BILL No. 221

(12) the development, implementation, coordination and oversight authority of a statewide system of emergency medical services disaster response.

(b) Any rules and regulations of the board adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized emergency medical services standards.

I would like to speak in opposition of Senate Bill 221. I can see no gain for the citizens of Kansas, but can see another expense to the taxpayers.

The Board of EMS is set up to be a regulatory agency, not a response agency. The staff does not have the background, education, or experience to control or conduct such activities. I've never seen them at my incidents, but have talked to them on the phone to discuss issues at a scene. Parts of the State have already formed a response capability called MERGe, and there are currently discussions to start this in the other areas too. As the Incident Commander in Greensburg the first week, and the Deputy IC in Chapman, I can attest to their (MERGe) capabilities. As an IC, you don't have time to train or explain at a major incident. We need experienced, capable personnel to manage and direct the EMS task. Having responded to and commanded many major incidents in my career, I can tell you that we don't need another agency involved.

Kansas has a Regional Homeland Security system set up across the State. In these regions we have trained Incident Management Teams. As one of the Incident Commanders for one of these teams, I can tell you we understand the development, implementation, coordination, and oversight to manage an incident. We do not need another agency coming in trying to control or manage an incident. KDEM does not even attempt to command or control these incidents, they facilitate the needs of the responders and support where needed.

Kansas was complimented at Greensburg for our Command Structure; in fact one member of the Federal IST stated that he had never in eighteen years responded to an incident under such control, especially in just 3 days. And this was even before anyone had attended the FEMA Command and General Staff training. Of course my answer to him was that in Kansas we believe in a common sense approach and keep it simple.

In my career I've seen incidents where Command gets so caught up in formalities that we forget the original purpose, which is to "Make the Problem go away". We need to maintain what we have. Allow the emergency responders to do their job, and the Board of EMS to continue with their task of regulation and certification.

Our Region for instance has a Mass Casualty trailer, at least 3 Health Response trailers, and multiple Command and IMT trailers. Let's not reinvent the wheel. If the Board of EMS has identified a funding source, great, lets use it to augment what's already there and working fine.

Good morning, my name is Andy Moffitt and I am the current SE Trustee to the Kansas State Firefighters Association, as well as a Battalion Chief and Emergency Medical Technician for the City of Chanute Fire Department. I stand here before you today in opposition of SB 221 and it's proposed changes to KSA 65-6111.

SB 221 would give oversight authority to the Board of EMS to a statewide system of Emergency Medical Services Disaster Response, and taking away the oversight placed on local systems by the local EMS Directors and Medical Staff.

Currently in the state, the Local EMS service is the one with the coordination and oversight authority for disaster response, buy using local funding sources and grants to accomplish this. Does the Board of EMS have plans to fund this endeavor, as no fiscal note is attached to the bill for us to view and respond to?

I do feel that the Board of EMS is trying here to take over complete control of the local jurisdiction having authority by placing themselves in a response mode. How are they going to accomplish this task, and with what funding? We currently know that in the Southeast and South Central parts of our state, we have a resource that has assisted in the state during disasters and they have done a wonderful job of keeping EMS services up and running in their time of crisis. This team I speak of is called the MERGE Group and some of those members are here today. I have seen first hand as a responder in both Greensburg and Chapman that this team is ready, willing and able to assist a local agency when a crisis is abound. They did not or have not taken over the local EMS service, but augmented the local service during crisis. I am afraid that the Board of EMS will just have carte blanch when they arrive as the "coordination and oversight" to a disaster scene, doing anything but help in a time of crisis. During these times an EMS service needs EMS Transporting Units, and Certified Attendants, not members of the Board or Board Staff to come in and try to take over. Local control must be maintained, as this is a community function that is critical during a crisis. The Merge Team has come in after an initial response to an incident and has assisted with Transporting Units and Attendants, for the long term, in Greensburg it was done this way for many weeks. What does the Board of EMS have to offer for that type service? Nothing.

Doesn't the Kansas Department of Emergency Management already have a specific function within the states response guidelines to assist with the local jurisdictions during this type of crisis? Inside Emergency Services Function number 8, Fire, Police and Emergency Medical Systems, the state EOC plans and coordinates response to crisis and natural disasters. Is the Board of EMS trying to tell us that the States' EOC or Adjutant Generals Office cannot function in this realm? If that is what they are saying, I truly beg to differ.

In closing, I ask you these questions: Does that State really want to get into the business of running an EMS service, when the local jurisdictions are doing a fine job of working in and around themselves? Does the State have the funding to purchase any of the needed equipment and to hire these Certified Attendants to work in the crisis or disaster situations for days or maybe weeks at end? If you answer any of these questions no, then please allow SB221 to die here in this committee.

Thank you for the opportunity to give my opinion.

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Testimony
Kansas Senate Ways and Means Committee
Senate Bill 221

Good morning, Senators. Thank you for the opportunity to speak with you this morning in reference to SB 221.

My name is Chris Way and I speak to you this morning on behalf of the Kansas MERGe Team. The Kansas Major Emergency Response Group is an organization developed and supported by the Kansas EMS Regional Councils from Region 3 (Southcentral) and Region 6 (Southeast). Our purpose is to facilitate the coordination and mitigation of major EMS related events through advising local EMS officials and providing assistance through the deployment of resources and personnel. Our interest in disaster response is passionate and our work in coordinating disaster response has been on-going since 2000 when we first met at the grass roots level to design, develop and implement a system for disaster response. Our role is mutual aid, from the time of incident until the deployment and arrival of the State of Kansas Incident Management Teams. We work in cooperation with the Kansas Department of Health and Environment ESF – 8 desk which coordinates the response of health care in disaster situations.

We are in opposition to the language contained in SB 221, Section 1 (12).

“the development, implementation, coordination and oversight authority of a statewide system of emergency medical services disaster response.”

It is easy to oppose something but not as easy to offer alternatives. My intent today is to offer up to you what would be most helpful to Kansas EMS.

The Kansas Board of EMS is a regulatory agency. It is not an operational agency and it does not have the personnel experience or capacity to take on an operational role. Asking this of the Board of EMS puts them in a most difficult situation. We agree that the Kansas Board of EMS has a significant role in disaster situations. We do not agree with the current language of the proposed legislation and offer that the Board of EMS role in disaster response is as follows:

1. The Kansas Board of EMS should be involved in the development of local and regional resources. Through funding assistance and facilitation of planning and preparedness processes, the Board can positively impact the response to disaster situations by EMS agencies. This work can be done utilizing existing frameworks and organizations that I will detail shortly.
2. To ensure the emergency provision of the state's governmental resources for medical and personal care for disaster victims in conformance with ESF

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8; to supplement and support disrupted or overburdened local medical services personnel and facilities through regulatory waiver. In that the role of the Kansas Board of EMS is regulatory, they can be a positive force in assisting local EMS agencies in the recovery from a disaster. By providing regulatory waivers and technical assistance to local EMS agencies that have been negatively impacted by a disaster; the Board of EMS can take a lead role in helping the local agency to return to compliance with Board of EMS rules and regulations. It is an acknowledged fact that many EMS services experience the loss of a director following a disaster; in part due to a lack of assistance in planning for and recovering from a disaster.

3. To maintain liaison with outside medical elements of the National Disaster Medical System (NDMS), Disaster Medical Teams (DMAT), and assist in the integration of these assets with exhausted local resources through regulatory assistance waiver and coordinated state ESF 8 efforts.

The roles of implementation, coordination and oversight for a statewide system of emergency medical response are already in place. The organizations that hold these roles have the resources and experience necessary to respond and mitigate incidents. The Board has no operational assets (ambulances, supplies, etc.) and no substantive experience in coordinating operations at a disaster event.

The following processes and organizations are already in place to implement, coordinate, and provide oversight to EMS related disasters.

1. The foundation of a statewide EMS response is already in place with the use of mutual aid agreements. Counties must "opt out" of mutual aid agreements rather than "opt in". This legislative change from several years ago lays the response foundation.
2. The Kansas MERGe Team has a proven track record of implementing and coordinating disaster response. It has done this at the grass roots level which is significant. All disasters are LOCAL and the success of mitigation is entirely dependent upon the local response and the actions within the first hours of the event. The Kansas MERGe Team has shown an ability to begin assisting local authorities from the moment of a call for assistance through phone advising while experienced team members respond to put boots on the ground. Greensburg and Chapman are two excellent examples of the team's effectiveness.
3. Kansas has formed and is implementing Incident Management Teams. These teams are structured to deploy within the first 24 hours of a large event and provide the command structure and coordination for disaster situations. These teams already exist through the Kansas Division of Emergency Management. The Kansas MERGe Team works to support

these teams and the local agency as requested in the area of emergency medical response.

4. The Kansas Department of Health and Environment oversees the emergency support function – 8 desk (ESF 8). This component of the state emergency response plan oversees the medical response of disaster situations. Again, the development, coordination and oversight of EMS related disasters are in place with an existing state agency. The Kansas MERGe Team is referenced as the EMS resource in KDHE's disaster response plans and has a strong working relationship with the personnel who are tasked to this ESF 8 function.
5. Ambulances resources are already in place. Through homeland security funding, many communities have purchased disaster supplies and trailers. The addition of disaster caches and trailers needs to be identified and supported at the local level by the people who will be able to provide for a timely response. There is also a need to assist in refitting disaster caches and trailers with new supplies to replace outdated supplies.

In conclusion, we have looked at this legislation and asked "What problem is this proposed legislation attempting to solve?" It is our feeling that with regional and state processes in place, the support that would be most effective is that of development assistance to local and regional elements of an already developing disaster response plan and regulatory assistance to services impacted by disasters. We ask that this legislation not be approved as written.

February 10, 2009

Honorable Chairman Emler
Senate Committee on Ways and Means
Kansas State Capitol
Topeka, Kansas

Mr. Chair and Members of the Committee

I am writing this letter in opposition to SB 221.

On June 11, 2008 at 10:24 pm an F-3 tornado devastated our community of Chapman. In a matter of seconds the tornado ripped a path of destruction thru the center of town destroying 78 homes and businesses including all three schools. I was a spectator to the event, as I was in the west part of Chapman that evening storm spotting. I rode out the storm in my vehicle. A wild couple of minutes that I do not wish to repeat. After the storm had passed I made my way across town where we had reports of people trapped in vehicles and homes. As I moved block by block the amount of destruction was made clear. I very soon realized that the potential for a multitude of injured persons, beyond our local capabilities, was evident. At 11:03 I made a call to activate the Major Emergency Response Group (MERGe). I explained to the dispatcher our situation to them and that we needed both personnel and approximately 15 ambulances. Within 5 minutes I was called back by the MERGe team officer on duty to acknowledge that the team had been activated and personnel were enroute. Within 30 minutes the first ambulances arrived and within 60 minutes 3 MERGe team personnel were on site assisting me with coordination of arriving units and resources. Within 90 minutes of the call we had 16 EMS units in our staging area ready to assist with care and transportation and 7 MERGe team personnel.

The response and coordination of the MERGe team could not have been better. They were a great asset to our service and the community of Chapman as we responded to this disaster. We worked with MERGe for several days following the disaster as they helped us coordinate mutual aid with other services to help staff EMS units in Chapman as the community recovered.

My question in response to SB 221 is why? With the financial difficulties that the county and state are in, is the state wanting to duplicate what is already in place and working well. Where is the money for training and equipping the Board of EMS staff to respond to disasters going to come from? The Board of EMS has a purpose, however responding and coordination of disasters is not it, nor should it be.

Chapman is making great strides in recovering and rebuilding from the night of June 11. We are grateful to the many people who have volunteered their time to help. I am very glad that I had a group of dedicated professionals in the MERGe team that came to our assistance. They have followed up many times over the last several months since the event to see how we are doing. It seems very interesting to me however, that the Board of EMS staff, the agency that wants to respond to disasters, has never contacted my department to see if we needed any assistance. Not on the night of the tornado or in the months since. Not one call, not one e-mail, nothing. With the great help of MERGe, we're OK.

Respectfully,

John Hultgren, MICT I/C
Director,
Dickinson County EMS

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Date 2-11-2009

Attachment 10

*Written Testimony to the Senate Ways & Means Committee
Opposition to Senate Bill No. 221 – 11, February 2009*

Thank you for allowing me the opportunity to provide written testimony regarding Senate Bill No. 221. I apologize for not being here in person to provide testimony however I am the only Paramedic available in Rice County today and duty calls.

My name is Terry L. David and I am the Emergency Medical Services Director for Rice County. In addition, I also serve as the Director of Emergency Management for Rice County and I am the current President of the Kansas Society of EMS Administrators. I offer my testimony, not only as a local EMS administrator, but also as someone who has seen EMS response in disasters firsthand and also offer my testimony on behalf of the above listed organization.

As an Emergency Manager I was trained early on that one of the fundamental philosophies in any disaster is that all disasters are local disasters that should be mitigated by local and then regional response resources. This is especially true with the EMS discipline as the most intense activity in any disaster response for us is the treatment and transportation of the injured. This activity almost always occurs during the first 12 hours and generally speaking during the first 2-4 hours during any disaster event. This was the case in Greensburg and Chapman.

The proposed legislation would give the Kansas Board of EMS the development, implementation, coordination and oversight authority of a statewide system of EMS disaster response. This is nothing more than a state agency wanting to be in control of an event that they have not the equipment, resources or experience to be involved with.

Since there are no ambulances parked in any given location that have "State of Kansas EMS" listed on the side, the only way for the Kansas Board of EMS to become operational is to give them the authority to order local units to respond and operate under their oversight. Giving any state agency the authority to commandeer any local ambulance with no regard to local policies or protocols and remove them from the local community is a recipe for disaster in itself.

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I was requested to respond to both Greensburg and Chapman as a member of the Kansas EMS MERGe Team (Major Emergency Response Group) and while a request was made for ambulances during both disasters, Rice County EMS could not initially provide that resource until such time as to insure adequate coverage to the citizens of Rice County. Be it the smallest EMS service or the largest, sending help is, and should remain, a local decision. That being said, I would also be remiss not to point out that every disaster that has occurred in the State of Kansas over the past 20 years has not experienced a shortage of ambulances or trained personnel to respond to a community in need.

In addition, If Senate Bill 221 was allowed to become law, it will contradict the Kansas Response Plan that is specifically written to identify roles and responsibilities of state agencies in the event State of Kansas resources are requested.

Currently, the Board of Emergency Medical Services is a support agency only and then only assists the Emergency Support Functions of ESF-1, which is Transportation, ESF-5, Emergency Management, ESF-8 Public Health and Medical Services and ESF-15, External Communications at their request. The majority of the oversight from the State of Kansas with regard to medical activities at a disaster is housed at the ESF-8 desk.

The Kansas Department of Health and Environment has the responsibility as the lead agency for Emergency Support Function Desk 8 and their ability to recognize their role in assisting local responders within the framework of the Kansas Response Plan has worked well with past events. There is no demonstrated need to change something that works well and is not broken.

Thank you for allowing me to present written testimony.

Terry L. David