

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 A.M. on January 29, 2008 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jennifer Thierer, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Jason Long, Revisor of Statutes
Jackie Lunn, Committee Assistant

Conferees appearing before the committee:

Amy Blankenbiller, President, KCCI
Duane Banzet, Fire Chief, Neodesha
Russell Walter, Burton consolidated Fire District
Robert Waller, EMS
Ed Klump, Kansas Association of Chiefs of Police and Kansas Peace Officers' Association

Others attending:

See attached list.

SB 438--Job security for volunteer firefighters

Chairperson Brownlee introduced Amy Blankenbiller, President, KCCI to present their annual CEO Poll of 300 businesses across the state. She presented written copy. (Attachment 1) Ms. Blankenbiller stated that over 90% of the businesses in Kansas have under 100 employees and nearly 80% have less than 10 employees. The business community has a fairly consistent viewpoint on the issues of concern. Taxes are the number one concern with businesses in Kansas. She stated that Kansas businesses are very pleased with the quality of the workforce but workforce availability is becoming a concern especially in the manufacturing, construction, healthcare, and education sectors. Business leaders across Kansas are convinced that their tax burden is too high. She stated that tax burden is one of the top three determining factors a business looks at when deciding to relocate to Kansas. Ms. Blankenbiller stated that there has been an improvement in economic growth over the last few years. She called the Committee's attention to data in her written testimony stating Kansas currently ranks 25th, moving up from 30th place, compared to other states relating to economic growth. Kansas is ranked 40th in the area of productivity and labor and 45th in start up and entrepreneurship activity. In closing she stated that business drives the economy.

Questions and answers followed regarding the charts on Page 5 of her presentation, tracking the amount of taxes paid by industry group. The Committee has concerns that after the significant tax cuts the legislature made for manufacturing last session, the business community feels that their taxes are still too high. It was noted that the businesses were picked randomly according to the business climate in Kansas. Ms. Blankenbiller stated the business community is grateful for the progress that has been made in the tax climate but the concern is that other states continue to improve also. Kansas needs to continue to improve at a more rapid pace in order to overcome where Kansas ranks nationally. It was noted that the first three deciding factors for new business to come to Kansas are: workforce, transportation and taxes. Ms. Blankenbiller stated she would get the full list of deciding factors for the Committee.

Upon the conclusion of Ms. Blankenbiller, Chairperson Brownlee introduced Jason Long, Revisors Office, to explain **SB 438**.

Upon the conclusion of Mr. Long's explanation of the bill, Chairperson Brownlee opened the hearing on **SB 438** and introduced Duane Banzet, Fire Chief, Neodesha, to give his testimony as a proponent. Mr. Banzet presented written copy of his testimony (Attachment 2) and that copy is incorporated in it's entirety into these minutes as a matter of record.

**Written Statement
Of
Fire Chief Duane Banzet
In support of SB 438**

Distinguished Senators:

I feel very honored today to be asked to testify before you on Senate Bill 438. It is my hope that you will see the justification for this bill and that this bill will pass both houses and be signed into law by Governor Sebelius.

I am the Fire Chief and EMS Director for the City of Neodesha. Neodesha is a small community of approximately 2,800 people. My department is responsible for providing Fire and transporting EMS services to the community and portions of Wilson County. My staff is currently composed of 8 full time staff and 6 volunteers.

We are here today considering the matter before us because I attended a town hall meeting with Senator Derek Schmidt and Representative Forrest Knox almost a year ago now and brought the matter to their attention.

I have been a firefighter for 20 years. I started my career as a volunteer firefighter for the City of Chetopa in 1987 and served there for 5 years before taking a full time firefighters position in Neodesha in 1992. I have been with the Neodesha Fire Department for 15 years and was promoted to Fire Chief last year.

My department is a combination department staffed by 2 fulltime employees on duty and two on call each day. With out the help that the volunteer staff provides to my department the task of providing a quality service to the citizens of Neodesha and the surrounding area would be impossible.

By far the vast majority of the firefighters in Kansas are volunteers. Our great state has many small towns that cannot afford to have their Fire Departments staffed by paid fulltime employees and relies on volunteers. The people who volunteer to serve their community are a valuable asset to that community. They serve on a moments notice and receive no pay or they are paid a nominal per call sum of money. If you ask any volunteer firefighter why he volunteers its not for the money he or she may or may not receive its because they see the need to serve and they want to serve and make a difference.

It is hard to find people to volunteer who are willing to put in the training that each department requires. It is hard to find dedicated people that are willing to clock out and leave work to respond to an emergency call because it hurts their pocket book or their company has a point system that monitors how much time they miss at work and are terminated after reaching a certain number of points. It's hard to find people who will drop what ever they are doing on a moments notice day or night and respond. That's what makes the people who do volunteer special.

Two years ago I heard on the news during the drought that was plaguing Oklahoma with multiple major outbreaks of grass fires in on a daily bases for weeks. A volunteer firefighter in Oklahoma lost his job because he was missing too much work. The Governor of Oklahoma was outraged and requested legislation that would offer some protection to volunteer firefighters.

Although I do not know of any case personally where something like this has happened in Kansas I believe that we (Kansas) should follow Oklahoma's example. Why shouldn't Volunteer firefighters who are called to duty some where in this state every day be given the same employment protections that are given to people who volunteer to join the Kansas National Guard or the Army Reserve etc. This last year we call up the National Guard when we had disasters in Greensburg and the floods that hit Neodesha and a large section of Southeast Kansas. But who was on scene long before they ever got there? The local fire department was. Who was there after the guard left? The local fire department was still there picking up the pieces. The Guardsmen and women can leave their jobs to deploy

without worrying that they may lose their job because they were called up, the volunteer firefighter cannot.

I am asking that we take a proactive stand that our volunteer firefighters who are called upon to protect the citizens of Kansas more routinely than the Kansas National Guard be given the same assurances and protection from the law that the National Guard has and they will not lose their employment because they chose to serve the citizens of this state. I am asking for your support in passing Senate Bill 438.

In closing, I would like to Thank Senator Schmidt for submitting this bill for your consideration and I would like to thank the Chairman of the Commerce Committee for allowing me the privilege of testifying before you today. I thank all of you Senators for the work you do in this committee and for considering this bill.

Respectfully,

Duane Banzet
Fire Chief
Neodesha Fire Department

A discussion followed Mr. Banzet's testimony regarding the fact that EMS and volunteer law enforcement was not covered in the bill.

Chairperson Brownlee introduced Russell Walter, Chairman of Burton consolidated Fire District #5, to give his testimony as a proponent of **SB 438**. Mr. Walter presented written copy of his testimony (Attachment 3) and that copy is incorporated into these minutes in its entirety as a matter of record.

Testimony of Russell Walter for SB 438
Chairman of Burton Consolidated Fire District #5
January 29, 2008

My name is Russell Walter. I am here as the Chair of Burton consolidated Fire District #5 and as the Burton city councilperson over Police, Fire and EMS. I am also here as an active field provider of both the Fire Department and the EMS department.

In regards to SB 438; I would like to support the concept of this bill. All Volunteer Emergency Services personnel should have this protection. As a small community we depend on volunteer staff to provide emergency services to our residents. It is increasingly hard to get people to give their time to the service. I have personally been impacted by this issue myself. On March 13th 1990 I called in to my full time job telling them I would be late for work due to our response to the tornado that had come by on its way to Hesston. When I showed up my boss gave me a three day suspension but it was overturned on appeal to the administration. I can also say that a member of our EMS service had to quit under pressure from his full time employer and the union that he was not a part of. I would caution you to look closely at the wording as to not leave out anyone. Not all EMS providers are certified attendants. There are also independent Rescue and First Responder services that need the same coverage.

Thank you and I will be glad to answer questions
Russell Walter

Upon the conclusion of Mr. Walter's testimony Chairperson Brownlee introduced Robert Waller, EMS, to give his testimony as a proponent of **SB 438**. Mr. Waller presented written copy of his testimony (Attachment 4) and that copy is incorporated into these minutes in its entirety as a matter of record.

BOARD OF EMERGENCY MEDICAL SERVICES

Testimony

Date: January 28, 2008

To: Senate Commerce Committee
From: Robert Waller, Chief Administrator
RE: Senate Bill 438

Co-Chairs Senators Jordan and Brownlee and members of the Senate Commerce Committee, thank you for the opportunity to provide testimony on the Senate Bill 438, my name is Robert Waller and I am the Chief Administrator for the Kansas Board of Emergency Medical Services (KBEMS).

Kansas, not unlike many other states, is faced with a severe shortage of EMS personnel. In particular the ability to recruit and retain. Rural Kansas communities especially face these issues as the numbers of volunteers dwindle. A large portion of our State, rural EMS, is made up of volunteers. Volunteer attendants are the backbone of many rural EMS programs, but their numbers are declining and it is especially difficult to staff day time shifts due to employment obligations. This is due to a number of factors, two being the inability of individuals to acquire time off from their full-time employer to volunteer, and an overall reduction nationwide in the number of individuals that volunteer their time and service. The current number of volunteers are getting older and thus starting to retire from service. Younger Americans on the other hand, are either not volunteering to the level that the previous generation did or realize that to make a career of EMS, they will eventually have to move to the urban or more populated areas of the state. These factors and others contribute to a shortage of certified attendants including family obligations, educational requirements, low pay and 24 hour coverage not to mention the physical and mental strains it puts on these caring and dedicated individuals. This in turn causes ambulance response times to slow and lengthens the time it takes for those in need to get assistance. These are all key factors that make it difficult to hire and retain certified EMS attendants.

Legislation like Senate Bill 438 would lend support to those volunteer personnel in ensuring that their sacrifice outside of their "8 to 5" job would not be punished due to their service. Currently, the number of EMS attendants in the state, as of January 21, 2008, totals 10,196. Of that amount, the total number who are active attendants is 7,359. The table below provides a break down of their employment status.

<u>Employment Status</u>	<u>Number of Attendants</u>	<u>% of Total Active</u>
Volunteers	2,633	35.8
Full-Time	3,960	53.8
Part-Time	766	10.4

Amendment

KBEMS would propose the addition of the following language:

AN ACT concerning firefighters; pertaining to the crime of battery on a firefighter; amending K.S.A. 21-3413 and 21-3415 and repealing the existing sections.

© a uniformed or properly identified state, county or city firefighter
*(D) a uniformed or properly identified state, county, or city certified
emergency medical services attendant as defined by KSA 65-6112;*
or

Conclusion

Simply, members of the Committee, the passage of Senate Bill 438 provides volunteer EMS personnel a safe "cushion" to ensure they have the ability to serve without fear of dismissal because of their service. These are the individuals that get up in the middle of the night to help others when they are in need. KBEMS would ask that you help us recognize these attendants for their service and dedication in providing pre-hospital care to the citizens of our State.

Thank you for allowing me to testify in support of the amended version of Senate Bill 438 and I will stand for any questions you may have.

Chairperson Brownlee introduced Ed Klump representing the Kansas Association of Chief's of Police, ([Attachment 5](#)) and the Kansas Police Officers Association, ([Attachment 6](#)), to give his testimony as a proponent of **SB 438**. Mr. Klump presented written copy of testimony representing both groups and these testimonies are incorporated into these minutes in their entirety as a matter of record.

**Testimony to the Senate Commerce Committee
Reference SB438**

January 29, 2008

The Kansas Association of Chiefs of Police believes the provisions of SB438 are reasonable steps to protect the jobs of Kansans who do not work full time in an emergency response field but volunteer or work part time in such positions.

We are requesting the committee to consider adding reserve law enforcement officers and part time law enforcement officers to this bill. We also believe it would be reasonable to add EMS volunteers as well, but that is not in our area of expertise.

Reserve officers are unpaid volunteers trained to support full time law enforcement officers in many Kansas cities and counties. Part time law enforcement officers are paid, but they do not work full time as a law enforcement officer. Many of them also have full time jobs.

These reserve and part time officers are the trained people the police departments and sheriff's offices depend on to assist in major natural disasters and other major events requiring additional officers. To fulfill this need, they must respond quickly at times that cannot be scheduled beforehand. However, agencies give them great latitude to work around their full time work schedule in fulfilling their more routine law enforcement obligations.

Several of our agencies have told me they have experienced issues in the past with their reserve or part time officers having difficulties with their full time employers due to an absence for an emergency. We understand the number of occurrences for law enforcement may not be as frequent as it is for volunteer firefighters. But the protection of the full time job should be protected for these law enforcement first responders as well.

The addition of multiple types of emergency responders to this bill might also require consideration of exempting the full time law enforcement, EMS, or fire service employer from the statute for person volunteering in another emergency responder role. This is because all of these emergency service groups need to maintain their personnel strengths during an emergency or crisis situation. For example, a full time law enforcement officer could also volunteer as a firefighter or for an EMS provider. But in such cases the emergency services the person works for full time should take precedence.

I have attached an example of how we believe the bill could be modified to accomplish this.

Ed Klumpp

Chief of Police-Retired, Topeka Police Department

Legislative Committee Chair, Kansas Association of Chiefs of Police

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Suggested statute revision:

Section 1. (a) No employer may discharge any employee by reason of the fact that the employee performs duties as a volunteer firefighter, , reserve law

enforcement

(b) For the purposes of this section, the term: officer, or part-time law

(1) "Employee" shall have the meaning ascribed to it in K.S.A. 44enforcement officer. If the

313 and amendments thereto. protected person is also a

(2) "Employer" shall have the meaning ascribed to it in K.S.A. 44full time firefighter or law

Testimony to the Senate Commerce Committee

Reference SB438

January 29,2008

The Kansas Peace Officers Association requests consideration by the committee to add reserve law enforcement officers and part time law enforcement officers to the persons protected in SB438.

Reserve officers are unpaid volunteers trained to support full time law enforcement officers in many Kansas cities and counties . Part time law enforcement officers are paid, but they do not work full time as a law enforcement officer. Many of them also have full time jobs.

Kansas law enforcement agencies hiring part time officers or having trained volunteer law enforcement officers depend on these Kansans who have undergone significant training to be of service to their communities. While their more frequent duties are scheduled around their full time employment, they are depended on to respond quickly, without the ability of scheduling , at times of natural disaster or other crisis. It is essential to protect all Kansans who volunteer or choose to work part time for any emergency services , not just firefighting .

Ed Klumpp

Legislative Committee Chair, Kansas Peace Officers ' Association

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Upon the conclusion of Mr. Klump's testimony Chairperson Brownlee called the Committee's attention to written only testimony from Dan McLaughlin, State Fire Marshal, an opponent of **SB 438**. Mr. McLaughlin's written testimony is incorporated in it's entirety into theses minutes as a matter of record.

OFFICE OF THE KANSAS ST ATE FIR E MA RS HA L

WrittenTestimony on SB 438

before the Senate Commerce Committee

By Dan McLaughlin,

State Fire Marshal

January 29, 2008

Of the over 16,000 firefighters in Kansas almost 13,000 are volunteers. These individuals contribute a significant amount of service to their communities generally free of charge. This amount is immeasurable in comparison to what it would cost a community to hire firefighters, pay them a salary and benefits.

Occasionally we receive communications regarding this issue and its effect on the local fire department and their members. Many times when these individual s do miss work to serve their community they are not compensated by their employer. It hurts even more when that employer would threaten termination of that individual when they are dutifully serving to save: the possessions of a neighbor, in extreme conditions, at all times of the day or night without compensation or reimbursement of expenses incurred. It' s a shame that we would have any business not recognize the contribution these individuals make and the tax savings they provide. We encourage the favorable passage of this bill.

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There was discussion during and after the testimonies. It was noted that EMS is not included in the bill and volunteer law enforcement are not included either but there could be changes in the language to cover the appropriate groups. I t was requested by the Committee that the appropriate language be provided to add EMS and volunteer law enforcement into the bill in the form of an amendment. The status of volunteer with law enforcement was also discussed with some concern relating to which group of volunteer law enforcement would be included.

With no other testimonies to be given on **SB 438**, Chairperson Brownlee closed the hearing and adjourned the meeting at 9:30 a.m. with the next meeting scheduled for January 30, 2008 at 8:30 a.m. in room 123 S.