

HOUSE BILL No. 2376

By Committee on Appropriations

3-10

9 AN ACT concerning emergency management; relating to immunity from
10 liability; amending K.S.A. 48-915 and repealing the existing section.

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

13 Section 1. K.S.A. 48-915 is hereby amended to read as follows: 48-
14 915. (a) Neither the state nor any political subdivision of the state, nor
15 the agents or representatives of the state or any political subdivision
16 thereof, shall be liable for personal injury or property damage sustained
17 by any person appointed or acting as a volunteer worker, or member of
18 any agency, engaged in emergency management activities. The foregoing
19 shall not affect the right of any person to receive benefits or compensation
20 to which such person otherwise may be entitled under the workers com-
21 pensation law or any pension law or any act of congress.

22 (b) Whenever a proclamation is issued declaring a state of disaster
23 emergency pursuant to K.S.A. 48-924, and amendments thereto, neither
24 the state nor any political subdivision of the state nor, except in cases of
25 willful misconduct, gross negligence or bad faith, the employees, agents,
26 or representatives of the state or any political subdivision thereof, nor any
27 person, or member of any agency, engaged in any emergency manage-
28 ment activities, complying with or reasonably attempting to comply with
29 this act, or any proclamation, order, rule and regulation promulgated pur-
30 suant to the provisions of this act, or pursuant to any ordinance ~~relating~~
31 ~~to blackout~~ or other precautionary measures enacted by any political sub-
32 division of the state, shall be liable for the death of or injury to persons,
33 or for damage to property, as a result of any such activity performed
34 during the existence of such state of disaster emergency or other such
35 state of emergency.

36 (c) Any member of a regional medical emergency response team cre-
37 ated under the provisions of K.S.A. 48-928, and amendments thereto,
38 shall be deemed a state employee under the Kansas tort claims act, K.S.A.
39 75-6101, et seq., and amendments thereto.

40 (d) *As used in this section, "person" means any volunteer worker,*
41 *paid worker, sole proprietor, partnership, including limited partnership*
42 *and limited liability partnership, limited liability company, corporations,*
43 *both for profit and not-for-profit, church and any other volunteer organ-*

1 *izations conducting emergency management activities before or after a*
2 *declaration of a state disaster emergency as provided by law.*
3 Sec. 2. K.S.A. 48-915 is hereby repealed.
4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the statute book.