

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Nancy Brown at 1:30 p.m. on February 10, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Powers (excused)

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee: Representative Gene Shore

Others attending: See Guest List (Attachment 1).

On motion of Representative Hayzlett, seconded by Representative Tomlinson, the Committee approved the minutes of the meetings held on January 26, January 27, January 28, February 1, February 2, February 3, and February 8, 1993.

The Chairman then opened the hearing on **HB 2068**, concerning county golf course property tax. Representative Gene Shore testified in favor of the bill (see Attachment 2). He stated that Stevens (Morton County), Haskell and Grant counties, all have shown an interest in this bill. Representative Shore stated that membership and green fees raise about one-half of the operating expenses of the public course in his county. A protest petition by 15% or more of the electorate would send the question of a county owning and operating a golf course to a public vote. Presently there are 31 counties with a population under 8,000 as specified in the bill. Provisions of the bill were discussed. Upon motion of Representative Mays, seconded by Representative Tomlinson, the Committee passed **HB 2068** favorably, to be placed on the Consent Calendar.

The Chairman then explained that a legislator has the option of removing a bill from the Consent Calendar. Representative Wootton stated he had reservations about the bill and would make a request to remove **HB 2068**. Thereupon Representative Mays and Representative Tomlinson withdrew their motion and Representative Mays moved, and Representative Tomlinson seconded, that **HB 2068** be reported out favorably. Representative Alldritt questioned the need for the bill in view of the tantamount issues before the Legislature; and stated that the minority party's recourse in the legislative process is to try to derail bills that it considers unnecessary. The Chairman reminded the committee that Representative Shore made a point about recreation opportunities in his county versus those available in larger counties and that the bill is of paramount interest to his constituents. There being no further discussion, the motion to report **HB 2068** favorably was carried.

Theresa Kiernan, of the Revisor's Office, then distributed an updated draft of the Committee's amendments to **HB 2103**, concerning emergency medical services; Do Not Resuscitate orders (Attachment 3). The Committee will discuss the bill on Monday, February 15.

The Chairman distributed the Committee's agenda for next week. Members were asked to advise her if they, or some of their constituents wish to testify on any of the bills scheduled for hearing.

The meeting was adjourned at 1:59 p.m. The next meeting is scheduled at 1:30 p.m., February 11, 1993, in Room 521-S of the State Capitol.

10,

[illegible]

EUGENE L. SHORE
REPRESENTATIVE, 124TH DISTRICT
GRANT, W. HASKELL, MORTON,
STANTON AND STEVENS COUNTIES

ROOM 446-N, CAPITOL BLDG.
TOPEKA, KANSAS 66612-1504
(913) 296-7677



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIRMAN: AGRICULTURE

MEMBER: ENERGY AND NATURAL RESOURCES

TRANSPORTATION

LOCAL GOVERNMENT COMMITTEE

TESTIMONY ON HB 2068

Representative Gene Shore

February 10, 1993

Madame Chairman and members of the committee:

HB 2068 was introduced at the request of people in three of my five counties in the 124th legislative district.

Current law allows the commissioners of a county with a population under 3,000 and a valuation over \$30 million to make an annual levy of up to one mill to build and operate a county owned and operated golf course.

The commissioners must publish this proposal for two consecutive weeks in the official newspaper, then allow for a sixty day period when a 5% protest petition can ask for a county election.

This bill raised the size of the county which may propose a county owned and operated golf course from 3,000 to 8,000.

I am not a golfer, but my home county has a county owned and operated golf course. I have been impressed with the number of older people who play. These are people who have worked hard all their life, acquired property and are paying large property tax bills for schools, hospitals, libraries, law enforcement centers and recreation departments which are all county owned and operated. I think it is only fair that people who pay for all the other facilities can have a facility built that they can enjoy.

I ask for your support of HB 2068 and would stand for questions.

HOUSE BILL No. 2103

By Committee on Local Government

1-22

8 AN ACT concerning emergency medical services; relating to do not
9 resuscitate orders; amending K.S.A. 65-6124 and repealing the
10 existing section.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 65-6124 is hereby amended to read as follows:
14 65-6124. (a) No person licensed to practice medicine and surgery or
15 registered professional nurse, who gives emergency instructions to
16 a mobile intensive care technician, emergency medical tech-
17 nician-defibrillator or emergency medical technician-interme-
18 diate during an emergency an attendant, shall be liable for any
19 civil damages as a result of issuing the instructions, except such
20 damages which may result from gross negligence in giving such
21 instructions.

22 (b) No mobile intensive care technician, emergency medical
23 technician-defibrillator or emergency medical technician-inter-
24 mediate attendant who renders emergency care during an emer-
25 gency pursuant to instructions given by a person licensed to practice
26 medicine and surgery or a registered professional nurse shall be
27 liable for civil damages as a result of implementing such instructions,
28 except such damages which may result from gross negligence or by
29 willful or wanton acts or omissions on the part of such mobile
30 intensive care technician, emergency medical technician-defib-
31 rillator or emergency medical technician-intermediate attendant
32 rendering such emergency care.

33 (c) No person certified as an instructor-coordinator shall be liable
34 for any civil damages which may result from such instructor-coor-
35 dinator's course of instruction, except such damages which may result
36 from gross negligence or by willful or wanton acts or omissions on
37 the part of the instructor-coordinator.

38 (d) No medical adviser who reviews, approves and monitors the
39 activities of attendants shall be liable for any civil damages as a result
40 of such review, approval or monitoring, except such damages which
41 may result from gross negligence in such review, approval or
42 monitoring.

43 ~~(e) In the event of a person's acute cardiac or respiratory arrest,~~

ATTACHMENT 3-1
2-10-93

1 ~~no health care provider or attendant, who in good faith causes or~~
2 ~~participates in the withholding or withdrawing of cardiopulmonary~~
3 ~~resuscitation pursuant to a do not resuscitate order shall be subject~~
4 ~~to criminal or civil liability or be found to have committed an act~~
5 ~~of unprofessional conduct.~~

6 ~~As used in this section, a do not resuscitate order shall be signed~~
7 ~~by the person making the order, or by another person in the presence~~
8 ~~of the person making the order and by the expressed direction of~~
9 ~~the person making the order, and:~~

10 ~~(1) Signed in the presence of two or more witnesses at least 18~~
11 ~~years of age neither of whom shall be the person who signed the~~
12 ~~order on behalf of and at the direction of the person making the~~
13 ~~order, related to the person making the order by blood or marriage,~~
14 ~~entitled to any portion of the estate of the person making the order~~
15 ~~according to the laws of intestate succession of this state or under~~
16 ~~any will of the person making the order or codicil thereto, or directly~~
17 ~~financially responsible for the medical care of the person making~~
18 ~~the order; or (2) signed by the person's attending physician.~~

19 ~~A health care provider or attendant whose decision about the~~
20 ~~validity of the signed do not resuscitate order is made in good faith~~
21 ~~is not subject to criminal or civil liability, or discipline for unpro-~~
22 ~~fessional conduct with respect to that decision.~~

23 ~~Sec. 2. K.S.A. 65-6124 is hereby repealed.~~

24 ~~Sec. 3. This act shall take effect and be in force from and after~~
25 ~~its publication in the statute book.~~

See attached.

ATTACHMENT 3-2
2-10-93

(e) In the event of a person's acute cardiac or respiratory arrest and if presented with a do not resuscitate order or a medical directive, no health care provider or attendant who causes or participates in the withholding or withdrawing of cardiopulmonary resuscitation pursuant to such do not resuscitateⁿ order or medical directive shall be subject to criminal or civil liability or be found to have committed an act of unprofessional conduct.

A health care provider or attendant whose decision about the validity of the signed do not resuscitate order or medical directive is made in good faith is not subject to criminal or civil liability, or discipline for unprofessional conduct with respect to that decision.

When used in this subsection, "do not resuscitate" order means:

(1) A written instruction to withhold or withdraw cardiopulmonary resuscitation. Such instruction shall comply with the provisions of section 2; or

(2) a living will executed in accordance with the provisions of K.S.A. 65-28,103, and amendments thereto; or

(3) instructions by a durable power of attorney for health care decisions executed in accordance with the provisions of K.S.A. 58-629, and amendments thereto.

(f) No employer of an attendant who renders emergency care under the provisions of this act or withholds or withdraws cardiopulmonary resuscitation pursuant to a do not resuscitate order shall be liable for civil damages as a result of the attendant's rendering such emergency care or withholding or withdrawing cardiopulmonary resuscitation, except for such damages which may result from gross negligence, or from willful or wanton acts or omissions on the part of the attendant rendering such emergency care.

New Sec.2 A do not resuscitate order shall be in substantially the following form: (See attached)

ATTACHMENT 3-3
2-10-93

PRE-HOSPITAL DNR REQUEST FORM

An advanced request to Limit the Scope of Emergency Medical Care

I, _____, request limited emergency care as herein
(name)
described.

I understand DNR means that if my heart stops beating or if I stop breathing, no medical procedure to restart breathing or heart functioning will be instituted.

I understand this decision will not prevent me from obtaining other emergency medical care by pre-hospital care providers or medical care directed by a physician prior to my death.

I understand I may revoke this directive at any time.

I give permission for this information to be given to the pre-hospital care providers, doctors, nurses, or other health personnel as necessary to implement this directive.

I hereby agree to the "Do Not Resuscitate" (DNR) order.

Signature

Date

Witness

Date

REVOCATION PROVISION

I hereby revoke the above declaration.

Signature

Date

I AFFIRM THIS DIRECTIVE IS THE EXPRESSED WISH OF THE PATIENT, IS MEDICALLY APPROPRIATE, AND IS DOCUMENTED IN THE PATIENT'S PERMANENT MEDICAL RECORD.

In the event of an acute cardiac or respiratory arrest, no cardiopulmonary resuscitation will be initiated.

Physician's Signature*

Date

Address

Facility or Agency Name

ATTACHMENT 3-4
2-10-93

*Signature of physician not required if the above-named is a member of a church or religion which, in lieu of medical care and treatment, provides treatment by spiritual means through prayer alone and care consistent therewith in accordance with the tenets and practices of such church or religion.

ATTACHMENT 3-5
2-10-93