

Approved: February 17, 1994

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 9, 1994, 1994 in Room 521-S of the Capitol.

All members were present.

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

Conferees appearing before the committee:
Representative Douglass Lawrence
Gerry Ray, Johnson County Board of Commissioners
Chip Wheelen, Kansas Medical Society

Others attending: See Attachment 1.

The Chairman stated that requests for introduction of new legislation have been received. Representative Douglass Lawrence stated his continued concerns with the Open Meetings Act as a result of the recent Supreme Court decision and the Memorial Hospital decision of several years ago. He presented a proposal that would define quasi and public meetings and subject them to the Open Meetings Act. The Chairman indicated that the measures assigned to the committee on Open Meetings will be heard next Tuesday, February 15. After discussion, on motion of Representative Mollenkamp, seconded by Representative Packer, the committee voted to introduce the bill.

Gerry Ray, Johnson County Board of Commissioners, requested legislation to allow counties to charge users fees for data base information, and to allow the ability to form partnerships with the private sector for such bases. On motion of Representative Welshimer, seconded by Representative Mays, the committee voted to introduce the bill.

Chairman Brown noted that an updated status report on the bills assigned to the committee has been handed each member.

The committee then considered some of the bills previously heard. Representative Macy presented the subcommittee report on **HB 2103**, concerning healthcare providers and do not resuscitate orders. Representative Macy stated the subcommittee, after considerable debate, is recommending a **Substitute HB 2103** which provides for a uniform pre-hospital DNR request form as well as a DNR identifier (medallion or bracelet) and states that no health care provider, who in good faith, causes or participates in withholding or withdrawing of cardiopulmonary resuscitation pursuant to a "do not resuscitate" order or presence a of DNR identifier shall not be subject to civil liability. Representative Macy requested adoption of the substitute bill.

In response to a question, Chip Wheelen, Kansas Medical Society, explained that only one national company (that he is aware of) sells medical identifiers that indicate DNR orders. The company maintains a data base on individuals and their medical history, and verifies medical conditions. After debate, on motion of Representative Macy, seconded by Representative Packer, the committee approved introduction of **Substitute HB 2103**, as shown on Attachment 2.

Representative Ballard presented the subcommittee report on **HBs 2295** and **2349** regarding storm shelters in mobile home parks. Representative Ballard recommended that a substitute be introduced for **HB 2295**, as shown on Attachment 3 and that **HB 2349** be adversely reported because it deals with the same subject. On motion of Representative Ballard, seconded by Representative Donovan, the committee voted to adversely report **HB 2349**.

Considerable discussion ensued regarding the need for oral disclosure. Representative Packer moved that the word "orally" in section 2(g) be stricken. Representative Donovan seconded the motion. Following discussion on the motion, a vote was taken and 7 voted for and 9 voted against the motion. The motion failed. Representative Toplikar moved to strike section 3, as shown on Attachment 3. Representative Packer seconded the motion. In discussion, Representative Ballard stated that if section 3 is eliminated, there will be no teeth in the proposed legislation and she is opposed to the motion. Representatives Toplikar and Packer withdrew their motion. Representative Grant and Representative Packer offered a substitute motion to adversely report **HB 2295**. After discussion, the motion was withdrawn. Then, on motion of Representative Grant, seconded by Representative Packer, the committee tabled **HB 2295**.

The committee then discussed **HB 2545**, concerning improvement districts, and its scope as special legislation. The chairman described changes to the bill that have been agreed upon by Representative Rezac. After discussion, on motion of Representative Mays, seconded by Representative Macy, the committee voted to amend the bill as shown on Attachment 4. Then, on motion of Representative Macy, seconded by Representative Hayzlett, the committee voted to pass the bill, as amended.

Representative Hayzlett presented the subcommittee report on **HB 2713**, concerning emergency medical services and licensure and activities of EMS attendants, which recommended several amendments as set out on Attachment 5. On motion of Representative Grant, seconded by Representative Hayzlett, the committee approved the recommended amendments and voted to pass **HB 2713**, as amended.

Theresa Kiernan described the provisions of a proposed **Substitute HB 2675** to authorize political subdivisions to enter into certain mutual aid agreements. On motion of Representative Macy, seconded by Representative Packer, the committee approved a **Substitute Bill for HB 2675** as shown on Attachment 6. On motion of Representative Macy, seconded by Representative Pettey, the committee passed **Substitute for HB 2675**.

On motion of Representative Packer, seconded by Representative Hayzlett, the minutes of the committee meetings of February 1, 2, and 8, 1994, were approved.

On motion of Representative Tomlinson, seconded by Representative Packer, the committee voted to adversely report **HB 2109**, concerning drainage districts, since the concern will be addressed in **HB 2854**, Representative Mills' bill on such districts.

The meeting was adjourned at 2:55 p.m. The committee will tour the Division of Emergency Preparedness on Monday, February 14, 1994; and the full committee will meet on Tuesday, February 15, 1994, at 1:30 p.m.

HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
CONFEREES AND VISITORS
FEBRUARY 9, 1994

NAME AND ADDRESS (Please print)

REPRESENTING

Chip Wheelen,	Topeka, Ks	Medical Society
Michelle Clum	Topeka	att. Jon Small
Bernard Ban	Topeka	soff
Jana Duncan	Winfield, Ks.	interested nurse

HOUSE LOCAL GOVERNMENT

Attachment # 1
2 / 9 / 94

PROPOSED BILL NO. _____

By

AN ACT concerning health care providers; relating to "do not resuscitate" orders.

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

Section 1. As used in this act:

(a) "Cardiopulmonary resuscitation" means chest compressions, assisted ventilations, intubation, defibrillation, administration of cardiotoxic medications or other medical procedure which is intended to restart breathing or heart functioning;

(b) "do not resuscitate" order or "DNR" order means a witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of this act;

(c) "health care provider" means a health care provider as that term is defined by K.S.A. 65-4915, and amendments thereto;

(d) "DNR identifier" means a medallion or bracelet designed to be worn by a patient which has been inscribed to identify the patient and contains the letters "DNR" or the statement "do not resuscitate" when such DNR identifier is distributed by an entity certified by the emergency medical services board;

(e) "physician" means a person licensed to practice medicine and surgery by the state board of healing arts; and

(f) "declarant" means any person who has executed a "do not resuscitate" order in accordance with the provisions of this act.

Sec. 2. A "do not resuscitate" order shall be in substantially the following form:

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 care personnel as necessary to implement this directive.

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

Signature

Date

Witness

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.

HOUSE LOCAL GOVERNMENT
Attachment # 2-2
2 / 9 / 84

Attending Physician's Signature*

Date

Address

Facility or Agency Name

*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.

REVOCATION PROVISION

I hereby revoke the above declaration.

Signature

Date

Sec. 3. A "do not resuscitate" order shall be: (a) In writing; (b) signed by the person making the declaration, or by another person in the declarant's presence and by the declarant's expressed direction; (c) dated; and (d) signed in the presence of a witness who is at least 18 years of age and who shall not be the person who signed the declaration on behalf of and at the direction of the person making the declaration, related to the declarant by blood or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession of this state or under any will of the declarant or codicil thereto, or directly financially responsible for declarant's medical care.

Sec. 4. No health care provider who in good faith causes or participates in the withholding or withdrawing of cardiopulmonary resuscitation pursuant to a "do not resuscitate" order or the presence of a DNR identifier shall be subject to any civil liability nor shall such health care provider be guilty of a

HOUSE LOCAL GOVERNMENT

Attachment # 2-3
2 / 9 / 94

crime or an act of unprofessional conduct.

Sec. 5. Any document or other method of establishing a "do not resuscitate" order which has been adopted by a medical care facility, an adult care home, or an emergency medical service prior to the effective date of this act shall be considered in substantial compliance with the definition of a "do not resuscitate" order under this act until January 1, 1995.

Sec. 6. (a) The emergency medical services board shall certify pursuant to rules and regulations entities which distribute DNR identifiers. Such entities may be certified when a DNR identifier is distributed only pursuant to a properly executed "do not resuscitate" order and when such entity maintains a toll free, staffed telephone line that may be called at any time to verify the identity of the patient.

(b) The board may adopt rules and regulations necessary to implement the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSED BILL NO. _____

By

AN ACT concerning mobile home parks; requiring disclosure of certain information; amending K.S.A. 1993 Supp. 58-25,103 and 58-25,109 and repealing the existing sections.

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

Section 1. K.S.A. 1993 Supp. 58-25,103 is hereby amended to read as follows: 58-25,103. Subject to additional definitions contained in subsequent sections of this act which apply to specific sections thereof, and unless the context otherwise requires, in this act:

(a) "Building and housing codes" includes any law, ordinance or governmental rule and regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any mobile home park, dwelling unit or mobile home space.

(b) "Business" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest and any other legal or commercial entity which is a landlord, owner, manager or constructive agent pursuant to K.S.A. 1993 Supp. 58-25,109, and amendments thereto.

(c) "Dwelling unit" excludes real property used to accommodate a mobile home.

(d) "Flood plain" means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%.

~~(d)~~ (e) "Landlord" means the owner, lessor or sublessor of a mobile home park and it also means a manager of the mobile home park who fails to disclose as required by K.S.A. 1993 Supp. 58-25,109, and amendments thereto.

~~(e)~~ (f) "Mobile home" includes manufactured homes and mobile

homes as defined in subsections (a) and (b) of K.S.A. 58-4202, and amendments thereto.

~~(f)~~ (g) "Mobile home park" shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of such mobile home park.

~~(g)~~ (h) "Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

~~(h)~~ (i) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the mobile home park. The term includes a mortgagee in possession.

~~(i)~~ (j) "Rent" means all payments to be made to the landlord under the rental agreement, other than the security deposit.

~~(j)~~ (k) "Rental agreement" means agreements, written or those implied by law, and valid rules and regulations adopted under K.S.A. 1993 Supp. 58-25,114, and amendments thereto, embodying the terms and conditions concerning the use and occupancy of a mobile home space.

~~(k)~~ (l) "Security deposit" means a deposit of money to secure performance of a mobile home space rental agreement under this act other than a deposit which is exclusively in advance payment of rent.

~~(l)~~ (m) "Tenant" means a person entitled under a rental agreement to occupy a mobile home space to the exclusion of others.

Sec. 2. K.S.A. 1993 Supp. 58-25,109 is hereby amended to read as follows: 58-25,109. (a) The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall disclose to the tenant in writing at or before the commencement of the tenancy the name and address of:

(1) The person authorized to manage the mobile home park;
and

(2) the owner of the mobile home park or a person authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving and receipting for notices and demands.

(b) The information required to be furnished by this section shall be kept current and this section extends to and is enforceable against any successor landlord, owner or manager.

(c) A person who fails to comply with subsection (a) becomes an agent of each person who is a landlord for the following purposes:

(1) Service of process and receiving and receipting for notices and demands; or

(2) performing the obligations of the landlord under this act and under the rental agreement and expending or making available for the purpose all rent collected from the mobile home park.

(d) (1) If the landlord does not sign and deliver a written rental agreement which has been signed and delivered to such landlord by the tenant, the knowing acceptance of rent without reservation by the landlord gives the rental agreement the same effect as if it had been signed and delivered by the landlord.

(2) If the tenant does not sign and deliver a written rental agreement which has been signed and delivered to such tenant by the landlord, the knowing acceptance of possession and payment of rent without reservation gives the rental agreement the same effect as if it had been signed and delivered by the tenant.

(3) If a rental agreement given effect by the operation of this subsection provides for a term longer than one year, it is effective only for one year.

(e) The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall provide a written explanation of utility rates, charges and services to the prospective tenant before the rental agreement is signed unless

the utility charges are paid by the tenant directly to the utility company.

(f) Each tenant shall be notified, in writing, of any rent increase at least 60 days before the effective date. Such effective date shall not be sooner than the expiration date of the original rental agreement or any renewal or extension thereof.

(g) The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall disclose to the tenant orally and in writing at or before the signing of a rental agreement:

(1) Whether or not storm shelters are available in the mobile home park. If storm shelters are available, the location of such storm shelters shall be stated in the rental agreement; and

(2) whether or not such mobile home space is located within a flood plain.

New Sec. 3. (a) Any landlord or person authorized to enter into a rental agreement on the landlord's behalf who fails to give the notice required by subsection (g) of K.S.A. 1993 Supp. 58-25,109, and amendments thereto, shall be liable to the tenant who did not receive the required notice, or the state or county as provided by subsection (b), for the payment of a civil penalty, recoverable in an individual action, including an action brought by the attorney general or county or district attorney in a sum not to exceed \$500. The tenant shall not be a required party in actions brought by the attorney general or county or district attorney.

(b) In administering and pursuing actions under this section, the attorney general or the county or district attorney are authorized to sue for and collect reasonable expenses and investigation fees as determined by the court. Civil penalties sued for and recovered by the attorney general shall be paid into the general fund of the state. Civil penalties and contempt penalties sued for and recovered by the county attorney or

district attorney shall be paid into the general fund of the county where the proceedings were instigated.

New Sec. 4. The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall not be liable for damages resulting from any claim for injuries resulting from the use of an area as a storm shelter, unless such landlord or person is guilty of gross and wanton negligence proximately causing such injury.

The provisions of this section shall be part of and supplemental to the mobile home parks residential landlord and tenant act.

Sec. 5. K.S.A. 1993 Supp. 58-25,103 and 58-25,109 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL No. 2545

By Committee on Taxation

4-1

AN ACT concerning improvement districts; relating to the officers thereof; amending K.S.A. 19-2763 and repealing the existing section.

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

Section 1. K.S.A. 19-2763 is hereby amended to read as follows: 19-2763. (a) As soon as practicable after they have qualified, the board of directors shall meet and select from their number a president, secretary and treasurer. The board shall designate one of the members to act as vice-president in case the regular president is absent and adopt rules and bylaws to regulate the transaction of business which may be changed or amended at their pleasure. The board shall adopt a seal, with which all contracts executed by the board shall be authenticated. The president shall preside at all meetings of the board when present and shall execute contracts in the corporate name of the district. All contracts shall be attested by the secretary and authenticated by the common seal of the district. All of the transactions and proceedings of the board shall be entered by the secretary in a journal to be kept by the secretary for that purpose. The journal shall be open to inspection by taxpayers of the district at all times, and the same, or duly authenticated copies thereof, shall be admitted in all courts as evidence of such proceedings and transactions.

(b) The treasurer of the district shall give a bond in such sum as shall be fixed and with such sureties as shall be approved by the board of county commissioners; ~~conditioned that~~ *Except as provided by subsection (c)* the treasurer will pay over to the county treasurer of the county wherein the district is situated all funds received as district treasurer. It shall be the duty of the treasurer to keep an accurate account of all funds received and a detailed account of all expenditures made by the district, and the record thereof shall at all times be open to public inspection. On the first day of January and July of each year, the treasurer shall prepare a full, complete and comprehensive statement of the finances of the district, showing in full thereon the amount of money expended during the last preceding half-year, the amount of revenue received

HOUSE LOCAL GOVERNMENT
Attachment # 4-1
2 / 9 / 94

1 from all sources, the amount of cash then on hand, the number of
 2 bonds sold and the number of bonds remaining unsold. The state-
 3 ment of moneys expended shall be itemized, showing each warrant
 4 drawn, to whom drawn, and the date and amount thereof. A copy
 5 of the statement shall be published in the official county newspaper.
 6 In the case of an improvement district located in Wabaunsee
 7 county, such statement shall be published in a newspaper of
 8 general circulation within the district. The treasurer shall have
 9 the power to receive and receipt special assessments which any
 10 owner of land may desire to pay after confirmation of report and
 11 before such assessments are certified to the county clerk, but the
 12 treasurer shall deposit all funds so collected in the county treasury
 13 to the credit of the district.

14 The county treasurer of the county in which the district is situated
 15 shall receive, safely keep and pay out as hereafter provided all funds
 16 belonging to the district and shall be liable upon the county trea-
 17 surer's official bond for such funds and for any default in the proper
 18 performance of duty in that respect. The purchase price of all bonds
 19 sold for cash shall be paid directly to the county treasurer who shall
 20 retain the same and all taxes, special assessments and other funds
 21 of the district collected or received thereby until paid out on written
 22 orders of the board of directors. The county treasurer shall pay out
 23 of the funds received thereby belonging to any district all written
 24 orders signed by the president, countersigned by the treasurer, at-
 25 tested by the secretary and authenticated by the seal of such district
 26 and shall cancel and retain all orders so paid. The county treasurer
 27 shall keep an itemized account of all orders paid thereby, showing
 28 the amount of each order, the person to whom paid and the date
 29 of the payment.

30 ~~(c) In case of an improvement district located in Wabaunsee~~
 31 ~~county, the treasurer of the district, at the cost to the district, shall~~
 32 ~~furnish a surety bond in such sum as shall be fixed and with such~~
 33 ~~sureties as shall be approved by the board of directors of the district,~~
 34 ~~conditioned that the treasurer will pay, according to law, all funds~~
 35 ~~received by the treasurer and will render a just and true account~~
 36 ~~thereof whenever required by the board of directors or by any~~
 37 ~~provision of law. The treasurer shall deliver to any successor in~~
 38 ~~office or to any person authorized by law to receive the same, all~~
 39 ~~funds, books, papers and other things pertaining to or belonging to~~
 40 ~~such office. The bond required by this section shall be filed with~~
 41 ~~the secretary of the board. The treasurer shall keep an accurate~~
 42 ~~account of all funds received and a detailed account of all expen-~~
 43 ~~ditures made by the district, and the record thereof shall be open~~

Subject to the provisions of subsection (d),
 the treasurer of an improvement district shall
 have the powers and duties prescribed by this
 subsection. The

1 to public inspection. On the first day of January and July of each
 2 year, the treasurer shall prepare a full, complete and comprehensive
 3 statement of the finances of the district, showing in full thereon the
 4 amount of money expended during the last preceding half-year, the
 5 amount of revenue received from all sources, the amount of cash
 6 then on hand, the number of bonds sold and the number of bonds
 7 remaining unsold. The statement of moneys expended shall be item-
 8 ized, showing each warrant drawn, to whom drawn, the date and
 9 amount thereof. A copy of the statement shall be published in a
 10 newspaper of general circulation within the district. The treasurer
 11 shall have the power to receive and receipt special assessments which
 12 any owner of land may desire to pay after confirmation of report
 13 and before such assessments are certified to the county clerk. The
 14 treasurer shall deposit all funds so collected in a fund created or
 15 designated for such purpose.

16 The treasurer of the district shall receive, safely keep and pay
 17 out as hereafter provided all funds belonging to the district and
 18 shall be liable upon the treasurer's official bond for such funds and
 19 for any default in the proper performance of duty in that respect.
 20 The purchase price of all bonds sold for cash shall be paid directly
 21 to the treasurer of the district who shall retain the same and all
 22 taxes, special assessments and other funds of the district collected
 23 or received thereby until paid out on written orders of the board
 24 of directors. The treasurer of the district shall pay out of the funds
 25 received thereby all written orders signed by the president, coun-
 26 tersigned by the treasurer, attested by the secretary and authenti-
 27 cated by the seal of such district and shall cancel and retain all
 28 orders so paid. The treasurer of the district shall keep an itemized
 29 account of all orders paid thereby, showing the amount of each
 30 order, the person to whom paid and the date of the payment.

31 Sec. 2. K.S.A. 19-2763 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after
 33 its publication in the statute book.

A copy of such statement also shall be f
 with the county clerk of the county in w.
 such district is located.

(d) The board of directors of any improvement
 district may adopt a resolution requesting that
 the treasurer of the district be authorized to
 exercise the powers and duties prescribed by
 subsection (c). Such resolution shall be
 mailed to the board of county commissioners.
 Upon receipt of such resolution, the board of
 county commissioners shall adopt a resolution
 authorizing the treasurer of the district to
 exercise the powers and duties as requested by
 the district. A copy of the resolution adopted
 by the board of county commissioners shall be
 published at least once each week for two
 consecutive weeks in a newspaper of general
 circulation with the district. If within 60
 days after the date of the last publication of
 such resolution, a petition signed by not less
 than 5% or 25 of the qualified electors,
 whichever is the greater, in such improvement
 district is filed with the county election
 officer, no action shall be taken on such
 resolution without the question having been
 submitted to and been approved by a majority of
 the qualified electors of such improvement
 district voting at an election called and held
 for such purpose. Such election shall be
 called and held in the manner provided by th
 general bond law. All costs incurred by the
 county pursuant to this subsection shall be
 paid by the district.

HOUSE BILL No. 2713

By Committee on Local Government

1-21

8 AN ACT concerning emergency medical services; relating to the
9 licensure and activities of attendants; amending K.S.A. 65-6119,
10 65-6120, 65-6121, 65-6123 and 65-6144 and K.S.A. 1993 Supp.
11 65-6112 and 65-6149 and repealing the existing sections.

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

14 Section 1. K.S.A. 1993 Supp. 65-6112 is hereby amended to read
15 as follows: 65-6112. As used in this act:

16 (a) "Administrator" means the administrator of the emergency
17 medical services board.

18 (b) "Ambulance" means any privately or publicly owned motor
19 vehicle, airplane or helicopter designed, constructed, prepared and
20 equipped for use in transporting and providing emergency care for
21 individuals who are ill or injured.

22 (c) "Ambulance service" means any organization operated for the
23 purpose of transporting sick or injured persons to or from a place
24 where medical care is furnished, whether or not such persons may
25 be in need of emergency or medical care in transit.

26 (d) "Attendant" means a first responder or an emergency medical
27 technician, an emergency medical technician-intermediate, an emer-
28 gency medical technician-defibrillator or a mobile intensive care tech-
29 nician whose primary function is ministering to the needs of persons
30 requiring emergency medical services.

31 (e) "Board" means the emergency medical services board estab-
32 lished pursuant to K.S.A. 65-6102, and amendments thereto.

33 ~~(f) "County medical society" means an organization of physicians~~
34 ~~approved by the emergency medical services board.~~

35 (f) ~~(g)~~ "Emergency medical service" means the effective and co-
36 ordinated delivery of such care as may be required by an emergency,
37 including services provided by first responders, care and transpor-
38 tation of individuals by ambulance services and the performance of
39 authorized emergency care by a person licensed to practice medicine
40 and surgery, a licensed professional nurse, a registered physician's
41 assistant, emergency medical technician, emergency medical tech-
42 nician-intermediate, emergency medical technician-defibrillator or a
43 mobile intensive care technician.

(f)

HOUSE LOCAL GOVERNMENT
Attachment # 5-1
2/1/91

(g) ~~(f)~~ "Emergency medical technician" means any person who has successfully completed a course of training, approved by the board, in preliminary emergency medical care and who holds a valid emergency medical technician certificate under this act.

(g)

(h) ~~(g)~~ "Emergency medical technician-defibrillator" means any person, currently certified as an emergency medical technician or emergency medical technician-intermediate, who has successfully completed a training program in cardiac defibrillation approved by the board and who holds a valid emergency medical technician-defibrillator certificate under this act.

(h)

(i) ~~(h)~~ "Emergency medical technician-intermediate" means any person, currently certified as an emergency medical technician or emergency medical technician-defibrillator, who, has successfully completed a course of training approved by the board which includes training in veni-puncture for blood sampling and administration of intravenous fluids and advanced patient assessment and who holds a valid emergency medical technician-intermediate certificate under this act.

(i)

(j) ~~(i)~~ "First responder" means a person who has successfully completed a course of training in preliminary emergency care, who holds a valid first responder certificate under this act and who provides services to individuals in need of emergency medical care that assist in stabilization or improvement of such individual's condition until personnel with a higher level of training arrive at the scene and assume responsibility for the individual.

(j)

(k) ~~(j)~~ "Instructor-coordinator" means any person who has successfully completed a course of training, approved by the board, to instruct attendants and to coordinate training programs, and who holds a valid instructor-coordinator certificate under this act.

(k) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(l) ~~(k)~~ "Local component medical society" means a county medical society or a multicounty medical society.

(m) ~~(l)~~ "Medical adviser" means a person licensed to practice medicine and surgery.

physician

(n) "Medical protocols" mean written guidelines that have been reviewed and approved by the emergency medical committee of the county medical society, which assist in the provision of medical care to a patient when the attendant is not receiving immediate direction from a physician. In those counties where there is no emergency medical committee of the county medical society, "medical protocols" mean written guidelines that have been reviewed and approved by the medical staff of the hospital to which the ambulance service primarily transports patients, which assist in the provision of medical care to a patient when the attendant is not receiving immediate

1 Sec. 5. K.S.A. 65-6123 is hereby amended to read as follows:
 2 65-6123. Notwithstanding any other provision of law to the contrary,
 3 an emergency medical technician-defibrillator:

4 (a) May perform any of the activities described by K.S.A. 65-
 5 6121, and amendments thereto, which an emergency medical tech-
 6 nician may perform;

7 (b) when approved by the ~~local component medical society~~
 8 ~~medical protocols~~ and where voice contact by radio or telephone is
 9 monitored by a person licensed to practice medicine and surgery or
 10 a licensed professional nurse, where authorized by a person licensed
 11 to practice medicine and surgery, and direct communication is main-
 12 tained, upon order of such person or such nurse, may perform
 13 electrocardiographic monitoring and defibrillation;

14 (c) perform, during an emergency, those activities specified in
 15 subsection (b) before contacting the person licensed to practice med-
 16 icine and surgery or authorized licensed professional nurse when
 17 specifically authorized to perform such activities by ~~written pro-~~
 18 ~~toeols approved by the local component medical society medical~~
 19 ~~protocols~~; or

20 (d) perform, during nonemergency transportation, those activities
 21 specified in this section when specifically authorized to perform such
 22 activities by ~~written protocols approved by the local component~~
 23 ~~medical society medical protocols~~.

24 Sec. 6. K.S.A. 65-6144 is hereby amended to read as follows:
 25 65-6144. A first responder may perform any of the following activities:

26 (a) Initial scene management including, but not limited to, gain-
 27 ing access to the individual in need of emergency care, and only
 28 in life or limb threatening situations, the appropriate extrication
 29 extricating, lifting and moving the individual;

30 (b) cardiopulmonary resuscitation and airway management;

31 (c) control of bleeding;

32 (d) extremity splinting excluding traction splinting;

33 (e) stabilization of the condition of the individual in need of
 34 emergency care;

35 (f) oxygen therapy;

36 (g) use of oropharyngeal airways;

37 (h) use of bag valve masks; and

38 (i) other techniques of preliminary care a first responder is trained
 39 to provide as approved by the board.

40 Sec. 7. K.S.A. 1993 Supp. 65-6149 is hereby amended to read
 41 as follows: 65-6149. (a) Any certified attendant in this state may be
 42 certified in the use of automated defibrillators for cardiac defibril-
 43 lation in accordance with the provisions of this act. The board shall

1 adopt rules and regulations establishing minimum, basic standards
2 governing training in the use of automated defibrillators in accor-
3 dance with this act. This training shall be conducted by instructors
4 who are qualified to conduct such training in accordance with the
5 rules and regulations adopted by the board. The minimum course
6 of training shall be not less than four clock hours in length and the
7 maximum course of training shall be not more than six clock hours
8 in length. ✓

the number of hours of training required
and the

9 (b) Each local service provider shall develop medical protocols
10 consistent with the criteria established by the board and approved
11 by the local component medical society if available.

12 (c) Upon the satisfactory completion of training in the use of
13 automated defibrillators for cardiac defibrillation as authorized under
14 this section, the certified attendant who has satisfactorily completed
15 such training shall be issued a certificate indicating that such person
16 has satisfactorily completed such training. The certificate shall be
17 issued in a form prescribed by the board by rules and regu-
18 lations. The certificate shall be valid through December 31 of the
19 year following the date of initial issuance and may be renewed there-
20 after for a period of one year by retaking and satisfactorily com-
21 pleting the training in the use of automated defibrillators for
22 eardiae defibrillation authorized under this section completing
23 the continuing education requirements as prescribed by rules and
24 regulations adopted by the board. An individual who holds a valid
25 certificate under this subsection (c) may perform cardiac defibrillation
26 with an automated defibrillator on a pulseless, nonbreathing patient.

27 (d) No individual who holds a valid certificate under subsection
28 (c) for the satisfactory completion of training in the use of automated
29 defibrillators for cardiac defibrillation shall be liable for civil damages
30 as a result of the use by such individual of an automated defibrillator
31 to provide cardiac defibrillation during an emergency, except such
32 damages which may result from gross negligence or by willful or
33 wanton acts or omissions on the part of such individual.

34 Sec. 8. K.S.A. 65-6119, 65-6120, 65-6121, 65-6123 and 65-6144
35 and K.S.A. 1993 Supp. 65-6112 and 65-6149 are hereby repealed.

36 Sec. 9. This act shall take effect and be in force from and after
37 its publication in the statute book.

PROPOSED BILL NO. _____

By

AN ACT concerning municipalities; relating to the provision of assistance during times of disaster.

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

Section 1. (a) When used in this act:

(1) "Municipality" means any city, county or township;

(2) "public safety agency" means any municipal fire department, law enforcement office, sheriff's department, volunteer and nonvolunteer fire protection associations, emergency management department, public works department or other similar public or private agency; and

(3) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to, fire, flood, earthquake, wind, storm, epidemics, air contamination, blight, drought, infestation, explosion or riot.

(b) The governing body of a municipality may establish a policy regarding the provision of assistance to other municipalities and public safety agencies located in other municipalities located within or without the state of Kansas. Such policy shall be established by adoption of the appropriate ordinance or resolution. Such ordinance or resolution shall include the procedure for the provision of assistance during times of disaster. Any ordinance or resolution adopted pursuant to this section shall be consistent with the applicable local or interjurisdictional disaster plan adopted pursuant to K.S.A. 48-901 et seq., and amendments thereto.

(c) When providing assistance pursuant to an ordinance or resolution adopted pursuant to this section, the municipality and public safety agency shall be subject to the provisions of all laws, including those providing immunity from liability, as if

such municipality or public safety agency was acting within such municipality. Any public safety agency of another state providing assistance in this state pursuant to an ordinance or resolution adopted pursuant to this section, shall be subject to the provisions of all laws of this state, including those providing immunity from liability, as if such public agency was a public agency within the state of Kansas.

(d) A copy of any ordinance or resolution adopted pursuant to this section shall be filed with the local emergency preparedness officer of the county.

(e) An ordinance or resolution adopted under the provisions of this section shall not be regarded as an interlocal agreement under the provisions of K.S.A. 12-2901 et seq., and amendments thereto.

(f) Nothing in this act shall be construed as invalidating existing mutual aid or disaster relief agreements entered into pursuant to K.S.A. 12-2901 et seq., and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.