

SENATE BILL No. 379

By Committee on Utilities

1-26

Proposed Amendment to SB 379

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Office of Revisor of Statutes

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Fund Transfers

AN ACT concerning emergency communication services; relating to the Kansas 911 act; authorizing the state 911 board to establish a statewide emergency medical dispatch and telecommunicator cardiopulmonary resuscitation program; authorizing the board to employ, contract for or enter into an agreement to procure the services of a medical director under such program; authorizing the board to establish, contract for or enter into an agreement to procure a centralized quality assurance system; providing the option for PSAPs to retain or procure the PSAP's own emergency medical dispatch and telecommunicator cardiopulmonary resuscitation, medical direction and quality assurance services; establishing the emergency medical dispatch and telecommunicator cardiopulmonary resuscitation fund in the state treasury; limiting civil liability for the provision of emergency medical dispatch and telecommunicator cardiopulmonary resuscitation, medical direction and quality assurance services; amending K.S.A. 2025 Supp. 12-5362 and 75-6104 and repealing the existing sections.

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

New Section 1. (a) The state 911 board shall provide for and coordinate a statewide emergency medical dispatch and telecommunicator cardiopulmonary resuscitation program. The general scope and purpose of such program shall be to adopt statewide protocols for PSAPs and emergency medical dispatchers for the provision of emergency medical dispatch and telecommunicator cardiopulmonary resuscitation, medical direction and quality assurance services.

(b) (1) The state 911 board may employ, contract for or enter into an agreement, including an interagency agreement, to procure the services of a medical director to provide medical direction regarding the management and accountability of the medical care aspects of emergency medical dispatch and telecommunicator cardiopulmonary resuscitation protocols and services rendered pursuant to such protocols. Such medical direction may include, but shall not be limited to:

(A) Evaluation, recommendation, development and maintenance of emergency medical dispatch and telecommunicator cardiopulmonary resuscitation protocols;

(B) establishment and oversight of minimum training standards

1 aligned with such recommended protocols; and

2 (C) establishment of minimum guidelines for and review of quality
3 assurance methods and services used in the evaluation and quality
4 performance review of services rendered pursuant to such protocols.

5 (2) Nothing in this subsection shall require a PSAP to utilize the
6 medical direction services of such medical director. A PSAP may employ,
7 contract for or enter into an agreement to procure the PSAP's own medical
8 direction option.

9 (c) (1) The state 911 board may establish, contract for or enter into an
10 agreement, including an interagency agreement, to procure a centralized
11 quality assurance system for the evaluation and quality performance
12 review of the services rendered pursuant to the statewide emergency
13 medical dispatch and telecommunicator cardiopulmonary resuscitation
14 protocols.

15 (2) Nothing in this subsection shall require a PSAP to utilize the
16 services of such centralized quality assurance system. A PSAP may
17 establish, contract for or enter into an agreement to procure the PSAP's
18 own quality assurance system.

19 (d) The state 911 board shall be subject to the provisions of K.S.A.
20 75-3738 et seq., and amendments thereto, when contracting or entering
21 into an agreement with any person, entity or agency for emergency
22 medical dispatch and telecommunicator cardiopulmonary resuscitation,
23 medical direction and quality assurance services pursuant to this section.
24 The director of purchases may authorize the state 911 board to procure
25 such services pursuant to K.S.A. 75-3739(h), and amendments thereto,
26 from other state agencies or political subdivisions of this state without
27 competitive bids.

28 (e) Nothing in this section shall prohibit a PSAP or governing body of
29 a PSAP from contracting or entering into an agreement with another PSAP
30 or governing body of a PSAP for the provision of emergency medical
31 dispatch or telecommunicator cardiopulmonary resuscitation, medical
32 direction or quality assurance services.

33 (f) (1) There is hereby established in the state treasury the emergency
34 medical dispatch and telecommunicator cardiopulmonary resuscitation
35 fund. The emergency medical dispatch and telecommunicator
36 cardiopulmonary resuscitation fund shall be administered by the state 911
37 board. All expenditures from the emergency medical dispatch and
38 telecommunicator cardiopulmonary resuscitation fund shall be made in
39 accordance with appropriation acts upon warrants of the director of
40 accounts and reports issued pursuant to vouchers approved by the
41 chairperson of the state 911 board or the chairperson's designee. Such fund
42 shall be used to provide statewide emergency medical dispatch and
43 telecommunicator cardiopulmonary resuscitation, medical direction and

1 quality assurance services.

2 ~~(2) On July 1, 2027, the director of accounts and reports shall transfer~~
3 ~~\$300,000 from the state 911 operations fund to the emergency medical~~
4 ~~dispatch and telecommunicator cardiopulmonary resuscitation fund.~~

5 ~~(3) On or before the 10th day of each month, the director of accounts~~
6 ~~and reports shall transfer from the state general fund to the emergency~~
7 ~~medical dispatch and telecommunicator cardiopulmonary resuscitation~~
8 ~~fund interest earnings based on:~~

9 ~~(A) The average daily balance of moneys in the emergency medical~~
10 ~~dispatch fund for the preceding month; and~~

11 ~~(B) the net earnings rate of the pooled money investment portfolio for~~
12 ~~the preceding month.~~

13 (g) The state 911 board shall prepare and submit a report on the
14 emergency medical dispatch and telecommunicator cardiopulmonary
15 resuscitation program to assess system performance, guide quality
16 improvement efforts, inform policy and funding decisions and improve
17 health outcomes. Such report shall include the number and geographical
18 territory of PSAPs using emergency medical dispatch protocols, the
19 number and geographical territory of PSAPs using telecommunicator
20 cardiopulmonary resuscitation protocols and information on any barriers to
21 increasing availability and uptake. Such report shall be submitted to the
22 senate committee on utilities and the house of representatives committee
23 on energy, utilities and telecommunications, or any successor committees,
24 on or before January 31 each year.

25 New Sec. 2. (a) Any person or entity that is contracted by or enters
26 into an agreement to provide medical direction or quality assurance
27 services for the state 911 board pursuant to section 1, and amendments
28 thereto, shall not be held liable for any civil damages for any claim arising
29 from the provision, or lack thereof, of any emergency medical dispatch or
30 telecommunicator cardiopulmonary resuscitation, medical direction or
31 quality assurance services or for any emergency dispatcher's rendering of
32 or failure to render emergency medical instructions unless such person or
33 entity is guilty of gross and wanton negligence proximately causing such
34 injury.

35 (b) Any person or entity that is contracted by or enters into an
36 agreement to provide medical direction or quality assurance services for
37 any PSAP shall not be held liable for any civil damages for any claim
38 arising from the provision, or lack thereof, of any emergency medical
39 dispatch or telecommunicator cardiopulmonary resuscitation, medical
40 direction or quality assurance services or for any emergency dispatcher's
41 rendering of or failure to render emergency medical instructions unless
42 such person or entity is guilty of gross and wanton negligence proximately
43 causing such injury.

The chairperson of the state 911 board or the chairperson's designee shall determine the amount of moneys considered necessary to carry out the program and provide for the services described in this section and may certify to the director of accounts and reports amounts to be transferred from the state 911 operations fund to the emergency medical dispatch and telecommunicator cardiopulmonary resuscitation fund as determined appropriate. The chairperson of the state 911 board or the chairperson's designee shall transmit a copy of any such certification to the director of the budget and the director of legislative research. Upon receipt of any such certification, the director of accounts and reports shall transfer such amount from the state 911 operations fund to the emergency medical dispatch and telecommunicator cardiopulmonary resuscitation fund. The chairperson of the state 911 board or the chairperson's designee may certify amounts to be transferred pursuant to this paragraph on an ongoing basis as program expenditures become payable and due. In no event shall the total amount of moneys transferred pursuant to this paragraph exceed \$300,000.

1 Sec. 3. K.S.A. 2025 Supp. 12-5362 is hereby amended to read as
2 follows: 12-5362. K.S.A. 12-5362 through 12-5381, and amendments
3 thereto, and K.S.A. 2025 Supp. 12-5382 through 12-5390, *sections 1 and*
4 *2*, and amendments thereto, shall be known and may be cited as the Kansas
5 911 act.

6 Sec. 4. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as
7 follows: 75-6104. (a) A governmental entity or an employee acting within
8 the scope of the employee's employment shall not be liable for damages
9 resulting from:

10 (1) Legislative functions, including, but not limited to, the adoption
11 or failure to adopt any statute, regulation, ordinance or resolution;

12 (2) judicial function;

13 (3) enforcement of or failure to enforce a law, whether valid or
14 invalid, including, but not limited to, any statute, rule and regulation,
15 ordinance or resolution;

16 (4) adoption or enforcement of, or failure to adopt or enforce, any
17 written personnel policy which protects persons' health or safety unless a
18 duty of care, independent of such policy, is owed to the specific individual
19 injured, except that the finder of fact may consider the failure to comply
20 with any written personnel policy in determining the question of
21 negligence;

22 (5) any claim based upon the exercise or performance or the failure to
23 exercise or perform a discretionary function or duty on the part of a
24 governmental entity or employee, whether or not the discretion is abused
25 and regardless of the level of discretion involved;

26 (6) the assessment or collection of taxes or special assessments;

27 (7) any claim by an employee of a governmental entity arising from
28 the tortious conduct of another employee of the same governmental entity,
29 if such claim is:

30 (A) Compensable pursuant to the Kansas workers compensation act;
31 or

32 (B) not compensable pursuant to the Kansas workers compensation
33 act because the injured employee was a firemen's relief association
34 member who was exempt from such act pursuant to K.S.A. 44-505d, and
35 amendments thereto, at the time the claim arose;

36 (8) the malfunction, destruction or unauthorized removal of any
37 traffic or road sign, signal or warning device unless it is not corrected by
38 the governmental entity responsible within a reasonable time after actual
39 or constructive notice of such malfunction, destruction or removal.
40 Nothing herein shall give rise to liability arising from the act or omission
41 of any governmental entity in placing or removing any of the above signs,
42 signals or warning devices when such placement or removal is the result of
43 a discretionary act of the governmental entity;

1 (9) any claim which is limited or barred by any other law or which is
2 for injuries or property damage against an officer, employee or agent
3 where the individual is immune from suit or damages;

4 (10) any claim based upon emergency management activities, except
5 that governmental entities shall be liable for claims to the extent provided
6 in article 9 of chapter 48 of the Kansas Statutes Annotated, and
7 amendments thereto;

8 (11) the failure to make an inspection, or making an inadequate or
9 negligent inspection, of any property other than the property of the
10 governmental entity, to determine whether the property complies with or
11 violates any law or rule and regulation or contains a hazard to public
12 health or safety;

13 (12) snow or ice conditions or other temporary or natural conditions
14 on any public way or other public place due to weather conditions, unless
15 the condition is affirmatively caused by the negligent act of the
16 governmental entity;

17 (13) the plan or design for the construction of or an improvement to
18 public property, either in its original construction or any improvement
19 thereto, if the plan or design is approved in advance of the construction or
20 improvement by the governing body of the governmental entity or some
21 other body or employee exercising discretionary authority to give such
22 approval and if the plan or design was prepared in conformity with the
23 generally recognized and prevailing standards in existence at the time such
24 plan or design was prepared;

25 (14) failure to provide, or the method of providing, police or fire
26 protection;

27 (15) any claim for injuries resulting from the use of any public
28 property intended or permitted to be used as a park, playground or open
29 area for recreational purposes, unless:

30 (A) The governmental entity or an employee thereof is guilty of gross
31 and wanton negligence proximately causing such injury; or

32 (B) an employee of the governmental entity commits childhood
33 sexual abuse as defined in K.S.A. 60-523, and amendments thereto;

34 (16) the natural condition of any unimproved public property of the
35 governmental entity;

36 (17) any claim for injuries resulting from the use or maintenance of a
37 public cemetery owned and operated by a municipality or an abandoned
38 cemetery, title to which has vested in a governmental entity pursuant to
39 K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the
40 governmental entity or an employee thereof is guilty of gross and wanton
41 negligence proximately causing the injury;

42 (18) the existence, in any condition, of a minimum maintenance road,
43 after being properly so declared and signed as provided in K.S.A. 68-

1 5,102, and amendments thereto;

2 (19) any claim for damages arising from the operation of vending
3 machines authorized pursuant to K.S.A. 68-432 or 75-3343a, and
4 amendments thereto;

5 (20) providing, distributing or selling information from geographic
6 information systems which includes an entire formula, pattern,
7 compilation, program, device, method, technique, process, digital database
8 or system which electronically records, stores, reproduces and manipulates
9 by computer geographic and factual information which has been
10 developed internally or provided from other sources and compiled for use
11 by a public agency, either alone or in cooperation with other public or
12 private entities;

13 (21) any claim arising from providing a juvenile justice program to
14 juvenile offenders, if such juvenile justice program has contracted with the
15 commissioner of juvenile justice or with another nonprofit program that
16 has contracted with the commissioner of juvenile justice. The provisions of
17 this section do not apply to community service work within the scope of
18 K.S.A. 60-3614, and amendments thereto, or to claims arising from
19 childhood sexual abuse as defined in K.S.A. 60-523, and amendments
20 thereto;

21 (22) performance of, or failure to perform, any activity pursuant to
22 K.S.A. 74-8922, and amendments thereto, including, but not limited to,
23 issuance and enforcement of a consent decree agreement, oversight of
24 contaminant remediation and taking title to any or all of the federal
25 enclave described in such statute;

26 (23) any claim arising from the making of a donation of used or
27 excess fire control, fire rescue, or emergency medical services equipment
28 to a fire department, fire district, volunteer fire department, medical
29 emergency response team or the Kansas forest service if at the time of
30 making the donation the donor believes that the equipment is serviceable
31 or may be made serviceable. This subsection also applies to equipment that
32 is acquired through the federal excess personal property program
33 established by the federal property and administrative services act of 1949,
34 40 U.S.C. § 483. This subsection shall apply to any breathing apparatus or
35 any mechanical or electrical device which functions to monitor, evaluate,
36 or restore basic life functions, only if it is recertified to the manufacturer's
37 specifications by a technician certified by the manufacturer;~~or~~

38 (24) any claim arising from the acceptance of a donation of fire
39 control, fire rescue or emergency medical services equipment, if at the
40 time of the donation the donee reasonably believes that the equipment is
41 serviceable or may be made serviceable and if after placing the donated
42 equipment into service, the donee maintains the donated equipment in a
43 safe and serviceable manner; *or*

1 (25) *any claim arising from the provision, or lack thereof, of any*
2 *emergency medical dispatch or telecommunicator cardiopulmonary*
3 *resuscitation, medical direction or quality assurance services or for an*
4 *emergency dispatcher's rendering of or failure to render emergency*
5 *medical instructions unless the governmental entity or employee thereof is*
6 *guilty of gross and wanton negligence proximately causing such injury.*

7 (b) The enumeration of exceptions to liability in this section shall not
8 be construed to be exclusive nor as legislative intent to waive immunity
9 from liability in the performance or failure to perform any other act or
10 function of a discretionary nature.

11 (c) The exceptions to liability in subsections (a)(1) through (a)(4)
12 shall not be construed to preclude, prohibit or otherwise limit a claim for
13 damages arising from childhood sexual abuse as defined in K.S.A. 60-523,
14 and amendments thereto. Failure of a governmental entity to adopt or
15 enforce a policy, regulation or law related to childhood sexual abuse and
16 failure to exercise reasonable discretion in the supervision of a
17 governmental employee who commits childhood sexual abuse may be
18 considered by the trier of fact in determining the question of a
19 governmental entity's negligence.

20 Sec. 5. K.S.A. 2025 Supp. 12-5362 and 75-6104 are hereby repealed.

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