

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on February 11, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator Lee - excused

Committee staff present:

J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research Department
Jonathan Tang, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Dan McLaughlin, State Fire Marshal
Robert Waller, Executive Director, Board of Emergency Medical Services (EMS)
Dave Sterbenz, Director, Shawnee County Emergency Management
Andy Moffitt, Kansas State Firefighters Association
Chris Way, Labette County Emergency Medical Services (EMS)

Others attending:
See attached list.

Introduction of bills

Duane Goossen, Secretary, Department of Administration, appeared before the Committee to request the introduction of legislation concerning Kansas Public Employees Retirement System (KPERS) school contributions.

Senator Kelly moved to introduce legislation concerning KPERS school contributions (9rs0696). The motion was seconded by Senator Taddiken. Motion carried on a voice vote.

Robert Waller, Executive Director, Board of Emergency Medical Services (EMS), appeared before the Committee to request legislation be introduced concerning EMS and scope of practices.

Senator Schmidt moved to introduce legislation concerning EMS and scope of practices (9rs0314). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Teichman moved to introduce legislation concerning vehicle insurance (9rs0722). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Senator Wagle appeared before the Committee to request the introduction of a bill regarding specialized vehicle license tags.

Senator Schodorf moved to introduce legislation concerning specialized vehicle license tags (9rs0780). The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator Haley appeared before the Committee to request the introduction of a bill concerning elections.

Senator Wysong moved to introduce legislation concerning elections (9rs0765). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Hearing on SB 187 - State fire marshal commissioned inspector act; state educational institutions.

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Jill Wolters, Office of the Revisor of Statutes, explained **SB 187** creates the State Fire Marshal Commissioned Inspector Act (Attachment 1). The bill would allow the State Fire Marshal and any state educational institution to enter into an agreement that would allow employees of the educational institutions to conduct building inspections. The State Fire Marshal indicates that there would be no fiscal effect to agency operations if the legislation is enacted.

Ms. Wolters noted the employee of a state educational institution who is appointed as a commissioned inspector shall not be considered an employee of the office of state fire marshal and receive no monetary compensation from the office of the state fire marshal for performing the duties of a commissioned inspector.

Responding to a question from the Committee, Ms. Wolters stated that the practice of the building inspections by an employee of the university, has been in existence for the past 10 years; however, there have been questions raised as to whether it was a valid practice. In clarification, Ms. Wolters noted that the stipulation of one year service applies only to the person appointed; not to the position.

Dan McLaughlin, State Fire Marshal, presented testimony in support of **SB 187** (Attachment 2). Mr. McLaughlin stated that the program works well by providing a person onsite at the university to do immediate inspections or answer questions. In addition, it provides increased life safety at the university. Mr. McLaughlin stated that the inspections of the employee on campus does not eliminate routine inspections by the State Fire Marshal, but assist in determining problem areas and provide immediate assistance.

The Committee voiced concern that the State Fire Marshal would not have oversight of the employee or the position if the individual is an employee of the university and not the State Fire Marshal. Mr. McLaughlin stated that the Fire Marshal's office conducts training for the individual and works with the individual to share information. The employee is also available to assist in periodic inspections conducted by the Fire Marshal's office. The program allows for the employee to be onsite to handle problems immediately and assist university officials with safety issues. Mr. McLaughlin noted that the program has worked very well in the past and is supported by the universities.

Written testimony in support of **SB 187** was received from Eric King, Director of Facilities, Kansas Board of Regents (Attachment 3).

The hearing on SB 187 was closed.

Senator Schmidt moved to recommend SB 187 favorable for passage. The motion was seconded by Senator McGinn. Motion carried on a voice vote.

The Committee noted a concern with the legislation if it were directed at any other entity or agency other than state universities or educational facilities.

Report of Kansas Board of Emergency Medical Service (KBEMS) Revolving and Assistance Fund (KRAF) Grant Program

Robert Waller, Executive Director, Board of Emergency Medical Services, presented a report on the Kansas Board of Emergency Medical Services (KBEMS) Revolving and Assistance Fund (KRAF) Grant Program (Attachment 4). Mr. Waller explained that KRAF is a state funded grant program for Kansas EMS agencies and organizations to provide financial assistance based on demonstrated financial need. Awards are distributed through a direct appropriation to the EMS Regional Councils and through reimbursement and/or payment from the state to the grantee to purchase authorized items. Presently, the KRAF program is handled through an contractual agreement with Fisher Scientific (Quarter Master Program) to make purchases or submit a waiver through the state process. Mr. Waller reported that 45 applications have been received requesting KRAF grant funding in FY 2009, totaling \$2,149,634. It is estimated that KRAF available revenues will total \$536,961.

The Committee questioned the practice of using Fisher Scientific to handle the grant purchases, noting that some local vendors could possibly supply equipment and materials at a lower cost than Fisher Scientific. Mr. Waller explained that the purchaser has the option to purchase from Fisher Scientific or obtain a vendor

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request form to purchase from a local vendor.

Responding to a question concerning administrative costs of the Fisher Scientific contract, Mr. Waller stated that the administrative costs are paid by KBEMS. Mr. Waller noted that the process is the same as used by the Highway Patrol, with the contract procurement process handled by the Department of Administration. Mr. Waller stated that the amount paid to Fisher Scientific for administrative costs in FY 2008 was \$18,000.

Hearing on SB 221 - Duties of emergency medical services board.

Jill Wolters, Office of the Revisor of Statutes, explained that SB 221 would authorize the Board of Emergency Medical Services to develop, implement, coordinate, and oversee a statewide system of emergency medical services disaster response that may incorporate nationally recognized emergency medical services standards (Attachment 5). The fiscal note indicates that the passage of the legislation would not result in any additional expenditures for FY 2010; however, the legislation could have a long range effect on agency operations as homeland security and emergency response activities increase.

Robert Waller, Executive Director, Board of EMS, presented testimony in support of SB 221 (Attachment 6). Mr. Waller stated that the bill allows the Board of EMS to assist in coordination of emergency medical services when a disaster takes place. The legislation is not meant to replace the fact that all disasters are local and handled by local authorities, but to provide for the development, implementation, coordination and oversight of a statewide EMS disaster response plan when needed.

Dave Sterbenz, Shawnee County Department of Emergency Management, presented testimony in opposition to SB 221 (Attachment 7). Mr. Sterbenz stated that the legislation would offer no gain for the citizens of Kansas. He felt that the Board of EMS is set up to be a regulatory agency, not a response agency.

Andy Moffitt, Trustee, Kansas State Firefighters Association, presented testimony in opposition to SB 221 (Attachment 8). Mr. Moffitt felt that the legislation would give oversight authority to the Board of EMS and take oversight away from the local EMS directors and medical staff.

Chris Way, on behalf of the Kansas Major Emergency Response Group (MERGe) Team, presented testimony in opposition to SB 221 (Attachment 9). Mr. Way indicated that he does not oppose the full content of SB 221; however, is in opposition to the language contained in Section 1 (12) that gives the Board of EMS the authority in "the development, implementation, coordination and oversight authority of a statewide system of emergency medical services disaster response". Mr. Way included alternate language in his testimony that could be incorporated into the bill allowing the Board of EMS to be involved in the development of local and regional resources; however, allow the local EMS units to maintain control.

Responding to a question from the Committee, Mr. Way stated that the Kansas MERGe Team started in 2000 when EMS directors felt the need for disaster plans and coordination between the various response groups. The plan started in southeast Kansas and has spread to other regions of the state. Members of the teams are trained and share information on how best to response to disasters.

Written testimony in opposition to SB 221 was received from the following:

John Hultgren, Director, Dickinson County EMS (Attachment 10).

Terry L. David, Director, Rice County EMS (Attachment 11).

The hearing on SB 221 was closed.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 12:00 p.m.