

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Ralph Ostmeyer at 10:30 am on Thursday, March 12, 2015, 144-S of the Capitol.

All members were present

Committee staff present:

Heather O'Hara, Legislative Research Department  
Connie Burns, Kansas Legislative Committee Assistant  
Joanna Wochner, Legislative Research Department  
Matt Sterling, Office of Revisor of Statutes  
Mike Heim, Office of Revisor of Statutes

Conferees appearing before the Committee:

Senator Oletha Faust-Goudeau  
Senator Mitch Holmes  
Joe House, Emergency Medical Services Board  
Jason White, Kansas Emergency Medical Services Association  
Senator Steve Abrams  
U.S. Senator Tom Coburn  
Keith Carmichael, Lowry City, Missouri  
David P. Schneider, Marion, Kansas  
Daniel Murray, National Federation of Independent Business  
Richard Fry, Patriot Coalition  
W. Paul Degener, Topeka, Kansas  
Robert Woods  
Blake Branson, Bel Aire, Kansas

Others in attendance:

[See Attached List](#)

**Committee Minutes**

Chairman Ostmeyer called for approval of minutes for February 17, 18, 19, 23, 24, and 25, as distributed on March 4, 2015.

Senator Longbine made a motion to approve the minutes as written. Senator Faust-Goudeau seconded the motion. The motion carried.

**SB 224 Emergency medical services board authority to impose fines, investigate and issue subpoenas**

Chairman Ostmeyer opened the hearing on **SB 224**.

## CONTINUATION SHEET

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Staff provided an overview of the bill.

Senator Faust-Goudeau appeared before the committee as a proponent on the bill. ([Attachment 1](#)) The bill would increase the tools in the toolbox available to the EMS attendants; the first responders need all the tools available so that they can do their jobs effectively to ensure safety for those they are transporting.

Senator Mitch Holmes testified in favor of the bill. ([Attachment 2](#)) The bill will go a long way in achieving a more thorough investigation and a better way to apply disciplinary action when necessary, and asked for the support in advancing the bill from committee, and in persuading the full Senate of its benefit of assuring a quality EMS system in Kansas.

Joe House, Executive Director, Emergency Medical Services (EMS) Board, appeared in favor of the bill. ([Attachment 3](#)) The bill provides the EMS Board with two additional tools to aid in the investigation of complaints and for the imposition of corrective action, when necessary; first is the authority for the Board to issue a subpoena to assist in completing a thorough investigation into a complaint or non-compliance event. The second tool is to add the ability for the Board to impose a civil fine as possible disciplinary/corrective action. The EMS Board feels that these two tools are an absolute necessity to allow for a complete investigation into complaints, and to allow for a fair and consistent corrective action in enforcement of the EMS act.

Jason White, Legislative Liaison, Kansas Emergency Medical Services Association, appeared as a proponent on the bill. ([Attachment 4](#)) The bill provides the Board of EMS additional powers to use fines as an additional punishment option and to subpoena records from institutions other than ambulance services.

Jay Emler, past EMS Board member, provided written testimony in support of the bill. ([Attachment 5](#)) The bill has the necessary safeguards to protect the attendants, services and patients, and its passage would help Kansas provide better patient care and would protect attendants and services from unnecessarily losing their licenses.

Chairman Ostmeyer closed the hearing on **SB 224**.

### **SCR 1603 Making application to the U.S. congress to call a convention of the states**

Chairman Ostmeyer opened the hearing on **SCR 1603**.

Staff provided an overview of the bill.

#### **Proponents:**

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Senator Steve Abrams appeared as a proponent on the bill. ([Attachment 6](#)) The call for a Constitutional Convention is serious and should not be taken lightly; the risk of a run-away Constitutional Convention is far less than the problems that come with the out of control spending by the Federal Government. The problem is likely to only get worse.

Tom Coburn, M.D., retired U.S. Senator, spoke in favor of the bill. ([Attachment 7](#)) The very purpose of including the convention of states mechanism was to ensure that we would forever be equipped to resist federal encroachments upon states rights and individual liberty.

Keith Carmichael, Lowry City, Missouri, appeared in favor of the bill. ([Attachment 8](#)) Mr. Carmichael stated that unless Kansas thinks that the demographic and cultural change trajectories are headed in the right direction, there needs to be action now. This exact application has been passed in GA, FL and AK; and by the end of the legislative session will have been reviewed and considered by a total of 41 other states.

David P. Schneider, Marion, Kansas, spoke in favor of the bill. ([Attachment 9](#)) Mr. Schneider urged the passage of the SCR, and to add Kansas to a growing list of states calling for a Convention of States placing fiscal restraints, and limiting the size, scope, and jurisdiction of the federal government.

Daniel Murray, Kansas State Director, National Federation of Independent Business, appeared as a proponent on the bill. ([Attachment 10](#)) The SCR which resolves that the Kansas Legislature applies to Congress, under provisions of Article V of the United States Constitution, for a convention of the states for the consideration of amendments to the U.S. Constitution related to curbing the power and jurisdiction of the federal government.

Written testimony was provided in support of the bill by:

Lois Spillman, Andover, Kansas ([Attachment 11](#))

Chris Brown, Kansas for Liberty ([Attachment 12](#))

Keen A. Umbehr, Kansas for Liberty ([Attachment 13](#))

R. Alan Snodgrass, Jetmore, Kansas ([Attachment 14](#))

### Opponents:

Richard Fry, Patriot Coalition, spoke in opposition of the bill. ([Attachment 15](#)) Mr. Fry strongly opposes the SCR as it offers the wrong solution for the wrong problem; the language of the SCR is flawed and deceptive as to the scope of the amendments it seeks; amending the Constitution will not

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covert oath-breakers into oath-keepers, and State legislatures already have the necessary constitutional authority to rein in a rogue federal government without amending the U.S. Constitution.

W. Paul Degener, Topeka, Kansas, appeared as a opponent on the bill. ([Attachment 16](#)) The federal government has implemented at least five of the ten planks of the Communist Manifesto with the help of the state legislatures of this county. Do not give them the opportunity of finishing the job by calling for a convention.

Robert Woods testified against the bill. ([Attachment 17](#)) Mr. Woods stated is time to stand up and support and defend the Constitution, and only after that is done will the Feds care about following the words of amendments of an Article V.

Blake Branson, Bel Aire, Kansas, testified in opposition of the bill. ([Attachment 18](#)) Mr. Branson stated he did not think it wise to trust our Constitution to the numerous other states that allow for many more gun restrictions than Kansas does. Some proponents will argue that the convention can be controlled and that it will be a limited convention specific to a given issue or issues; but once convened, delegates have full authority, with enough votes, to change the rules, ignore the rules, and essentially do what they want.

Written testimony in opposition to the bill was provided by:

Barbara Paulus, Bonner Springs, Kansas ([Attachment 19](#))

John Axtell ([Attachment 20](#))

Chairman Ostmeier closed the hearing on **SCR 1603**.

The next meeting is scheduled March 17, 2015. The meeting was adjourned at 11:45 a.m.