

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 14, 2024, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
The President introduced Doug Henkle who delivered the Invocation:

Heavenly Father, thank You for the men and women who serve our state in this chamber and for their families. Please provide them with reminders each day of why You called them to public service and use that calling to encourage them. Father, bless and protect the wives, husbands, and children of the members of this chamber. Give them peace as they are away from their loved ones on this Valentine's Day. We ask that You draw near to them and give them wisdom on how to best support one another as they are apart. I pray the time they do have with loved ones is rich and filled with warmth and gracious support.

I pray that You would grant wisdom, understanding, discernment and knowledge to the members of this body. Grant them favor, increase their faith and equip them to pursue Your excellence. Draw them to You and cause them to know and fulfill Your purposes. Thank You that You can be our standard, that You can be the mark toward which we strive.

I pray for President Masterson, Vice President Wilborn, Majority Leader Alley and Minority Leader Sykes as they lead this chamber. Give them Your perception and Your wisdom. Father, we lift up our governor to You. Your word tells us that You control rulers, just as You control the course of rivers. Please give our governor Your direction as she leads the executive branch of our government, that Your Devine will for our state would be accomplished.

Father God, we are so grateful for the legislative staff, for the housekeeping staff and the security personnel. They have such an important job keeping this legislature running as it should. Thank You for the ways You have gifted them to support so well. Wrap Your arms around these men and women to show them love, grace, strength, and encouragement. Cause them to know You and see Your presence in the work they do. And, Father, give them the stamina to approach each day and to find a balance between work and life so that they would be sustained.

Lord, You are sovereign and have total, clear perspective. You see the end from the beginning. You have no match on earth or in heaven. You entertain no fears, no ignorance, and have no needs. You have no home. You are able to create rather than invent, You direct rather than wish, You control rather than hope. You have no limitations and always know what is best. You never make a mistake. You possess the ability to bring everything to a purposeful conclusion and an ultimate goal. You are invincible, immutable, infinite, and self-sufficient. Your judgments are unsearchable

and Your way unfathomable. What a blessing to rest in Your warm embrace! In Jesus' Name, Amen.

The Pledge of Allegiance was led by President Masterson.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege and submitted the following comments: MR. PRESIDENT AND FELLOW MEMBERS OF THE KANSAS SENATE: For many of us the travel outside of our State and even outside of our country, often you may have noted that the great pride we hold for KANSAS (or in my case, representing Wyandotte County, here in the Senate), KANSAS CITY, often the familiar link to where we're from or what we stand for is distilled into a sports franchise as, in the case, "Oh, the KANSAS CITY CHIEFS!" We are not the home of the native Kanza tribe for which Kansas the Territory, which became a member of the United States of America in 1861, was named. Kansas is not often worldwide known for our many innovations, or personages, or accomplishments for which we have triumphed ... and trumpeted. It has been a football team, The KANSAS CITY CHIEFS, specifically, that instills recognition and pride in the KANSAS name, uplifting the unique word "Kansas" and the "Kansas City" (which even a former POTUS attributed as our State and not another's where the team's home stadium currently sits) in stature and recognition around the globe in a way that should make all Kansans proud. Today, as a tremendous Parade in celebration is being shared by hundreds of thousands of revelers throughout Kansas City to honor the entire team: players, coaches, staff a deranged shooter in a regrettable incident sought to mar our civic pride by taking and injuring innocent lives. But, as my late mother Doris Moxley Haley would ALWAYS admonish me whenever some small person or some unfortunate action would creep into an overwhelming favorable aspect of Life and of Living: "As persons of faith, please don't ever let nothing steal your Joy!" And THIS is Joy: On Sunday, February 11, 2024, in front of a record television audience of 123.7 million viewers, the Kansas City Chiefs defeated the San Francisco 49ers by a score of 25 to 22 to win Super Bowl LVIII in Las Vegas, Nevada, and became the first franchise since 2004 to win back-to-back Super Bowls championship games! The Chiefs franchise was established on August 14, 1959, with their most recent season concluding their 63rd in the National Football League (NFL) and marking their fourth Super Bowl appearance in five years. The Chiefs have shown an unrivaled dominance and consistency in the modern era of the NFL, winning three of their four recent Super Bowl appearances! In Super Bowl LVIII, the players and coaches overcame adversity and completed a stunning second half and overtime period which became one of the greatest Super Bowl contests in history. The players, coaches, staff and entire organization instill immeasurable pride in Kansans all over the world, who recognize and appreciate the positive attention and reputation that the Chiefs' continued excellence brings to both Kansas City, Kansas, and Kansas as a whole! So, Mr. President and Members, we congratulate and commend the KANSAS CITY CHIEFS on being back-to-back Super Bowl Champions and recognize how they uplift the name and stature of KANSAS that we celebrate this day, ever still in JOY! How about those CHIEFS?!

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 512, AN ACT concerning insurance; relating to insurance companies; prohibiting companies from utilizing environmental, social and governance criteria in the process of writing contracts of insurance, indemnity or suretyship; authorizing the attorney general or the county attorney or district attorney where a violation occurred to enforce such prohibition; providing a civil penalty for violations thereof, by Committee on Federal and State Affairs.

SB 513, AN ACT concerning precious metals; relating to gold and silver bullion and specie; enacting the Kansas specie legal tender act; providing that gold and silver specie is legal tender; authorizing the state treasurer to adopt rules and regulations allowing the use of approved electronic currencies backed by specie legal tender; enacting the Kansas bullion depository act; authorizing the state treasurer to establish, administer or contract for the administration of bullion depositories; allowing state moneys to be deposited in such bullion depositories and invested in specie legal tender; amending K.S.A. 2023 Supp. 75-4209 and repealing the existing section, by Committee on Federal and State Affairs.

SB 514, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2023 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50,107, 74-99b34, 76-775, 76-7,107, 79-2959, 79-2964, 79-2989, 79-3425i, 79-34,171 and 82a-955 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 507**, **SB 509**.

Federal and State Affairs: **SB 511**; **SCR 1618**.

Financial Institutions and Insurance: **SB 505**.

Judiciary: **SB 506**, **SB 508**.

Local Government: **SB 510**.

MESSAGES FROM THE HOUSE

Announcing passage of **Sub HB 2168**; **HB 2477**, **HB 2525**, **HB 2583**, **HB 2632**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2168; **HB 2477**, **HB 2525**, **HB 2583**, **HB 2632** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 431** be passed.

Committee on **Local Government** recommends **SB 384** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2023 Supp. 65-6111 is hereby amended to read as follows: 65-6111. (a) The emergency medical services board shall:

(1) Adopt any rules and regulations necessary to carry out the provisions of this act;
(2) review and approve the allocation and expenditure of moneys appropriated for emergency medical services;

(3) conduct hearings for all regulatory matters concerning ambulance services, emergency medical service providers, instructor-coordinators, training officers and sponsoring organizations;

(4) submit a budget to the legislature for the operation of the board;

(5) develop a state plan for the delivery of emergency medical services;

(6) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;

(7) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the executive director;

(8) approve all training programs for emergency medical service providers and instructor-coordinators and prescribe certification application fees by rules and regulations;

(9) approve methods of examination for certification of emergency medical service providers and instructor-coordinators and prescribe examination fees by rules and regulations;

(10) appoint a medical advisory council of not less than six members, including one board member who shall be a physician and not less than five other physicians who are active and knowledgeable in the field of emergency medical services who are not members of the board to advise and assist the board in medical standards and practices as determined by the board. The medical advisory council shall elect a chairperson from among its membership and shall meet upon the call of the chairperson; and

(11) approve sponsoring organizations by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedure act and the rules and regulations of the board.

(b) (1) Except as otherwise provided, the emergency medical services board may grant a temporary variance from an identified rule or regulation when a literal application or enforcement of the rule or regulation would result in serious hardship and the relief granted would not result in any unreasonable risk to the public interest, safety or welfare.

(2) Any variance granted pursuant to paragraph (1) may be granted as a permanent variance if the variance is from an identified rule or regulation adopted to implement, enforce or otherwise regulate the provisions of K.S.A. 65-6135, and amendments thereto.

(c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board, in accordance with the Kansas administrative procedure act, upon the finding of a violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions may impose a fine on:

(A) Any person granted a certificate by the board in an amount not to exceed \$500

for each violation; or

(B) an ambulance service that holds a permit to operate in this state or on a sponsoring organization in an amount not to exceed \$2,500 for each violation.

(2) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) (1) In connection with any investigation by the board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic, laboratory, pharmacy, medical care facility or other public or private agency, if such document, report, record or evidence relates to professional competence, unprofessional conduct or the mental or physical ability of the person to perform activities the person is authorized to perform.

(2) For the purpose of all investigations and proceedings conducted by the board:

(A) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents or any other physical evidence if such evidence relates to professional competence, unprofessional conduct or the mental or physical ability of a person being investigated to perform activities the person is authorized to perform. Within five days after the service of the subpoena on any person requiring the production of any evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices that may be grounds for disciplinary action, is not relevant to the charge that is the subject matter of the proceeding or investigation or does not describe with sufficient particularity the physical evidence that is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such evidence.

(B) Any person appearing before the board shall have the right to be represented by counsel.

(C) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(i) Requiring such person to appear before the board or the board's duly authorized agent to produce evidence relating to the matter under investigation; or

(ii) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices that may be grounds for disciplinary action, is not relevant to the charge that is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence that is required to be produced.

(3) Disclosure or use of any such information received by the board or of any record containing such information, for any purpose other than that provided by this subsection is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any certificate or permit issued under article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be construed to make unlawful the

disclosure of any such information by the board in a hearing held pursuant to this act.

(4) Patient records, including clinical records, medical reports, laboratory statements and reports, files, films, other reports or oral statements relating to diagnostic findings or treatment of patients, information from which a patient or a patient's family might be identified, peer review or risk management records or information received and records kept by the board as a result of the investigation procedure outlined in this subsection shall be confidential and shall not be disclosed.

(5) Nothing in this subsection or any other provision of law making communications between a physician and the physician's patient a privileged communication shall apply to investigations or proceedings conducted pursuant to this subsection. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this subsection.

(e) The emergency medical services board shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board and the number of and reasons for subpoenas issued by the board during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house committee on federal and state affairs.";

Also on page 1, by striking all in lines 19 through 23; in line 24, after "Supp." by inserting "65-6111 and"; also in line 24, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, by striking all after the second semicolon; by striking all in line 3; in line 4, by striking "counties" and inserting "authorizing the emergency medical services board to grant certain permanent variances from rules and regulations"; also in line 4, after "Supp." by inserting "65-6111 and"; in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Thursday, February 15, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

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