

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 19, 2022, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.
The roll was called with 37 senators present.
Senators Hawk, Holland and O'Shea were excused.
Vice President Wilborn introduced Doug Henkle to deliver the Invocation:

Father God, thank You for Your overwhelming love for each senator here. Thank You for the call You have placed on their lives at this time. Strengthen their family ties as they serve here in this chamber, away from hearth and home. Protect them and bless them with health and stamina.

I lift up President Masterson, Majority Leader Alley and Minority Leader Sykes to You today. Give them Your divine favor, direction and wisdom as they lead this chamber. I pray for Pastor Washington, Father. Please lay your healing hands on him and bring him back to service here, soon.

Father, cause the members of this body to argue passionately held positions in a civil manner, diplomatically and honorably, maintaining friendly relations in spite of strongly held, differing views. Given them Your direction and wisdom as they are about the business of the State of Kansas.

Jesus, in Your mighty name, I pray against covid. I pray not only against its' physical effects on our citizens but against the relational, emotional and psychological price it exacts from our society. I pray You would cause us not to fear but that we would know the hope and peace that is found in You. In Jesus' name, Amen.

The Pledge of Allegiance was led by Vice President Wilborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 348, AN ACT concerning public health; relating to cosmetology; hair removal; exempting persons engaged in threading from the practice of cosmetology and the requirements thereof; amending K.S.A. 65-1901 and 65-1928 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 349, AN ACT concerning electric public utilities; relating to the state corporation commission; providing limitations upon certain retail electric rate increases, exceptions, by Committee on Utilities.

SB 350, AN ACT concerning electric public utilities; relating to the state corporation commission; authorizing rate recovery for certain electric generation facilities;

amending K.S.A. 2021 Supp. 66-1239 and repealing the existing section, by Committee on Utilities.

SB 351, AN ACT concerning elections; relating to defining and using electronic poll books; approval of electronic poll books by the secretary of state; granting the secretary of state authority to adopt rules and regulations governing their use; prohibiting election systems from having the capability of being connected to the internet or other computer or communications networks; requiring election judges to ensure such systems are not so connected; providing that post-election equipment testing must occur within five days of the county vote canvass and that notice of such testing be provided on county websites; expanding the crime of electronic or electromechanical voting system fraud to include fraudulent use of or unauthorized possession of electronic poll books; amending K.S.A. 25-4401, 25-4402, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4408, 25-4409, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 352, AN ACT concerning sexually oriented businesses; crimes, punishment and criminal procedure; prohibiting certain acts; creating criminal penalties for violations; establishing the community defense and human trafficking reduction act; amending K.S.A. 2021 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.

SB 353, AN ACT concerning wind generation facilities; relating to construction and setback requirements; requiring local boards of county commissioners to approve applications for construction; establishing certain notification and health and safety requirements; establishing certain operating conditions for existing facilities, by Committee on Utilities.

SB 354, AN ACT concerning sales taxation; relating to exclusions from the sales or selling price; excluding discounts and coupons; amending K.S.A. 2021 Supp. 79-3602 and repealing the existing section, by Committee on Assessment and Taxation.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **HB 2387**, as amended by House Committee, be amended on page 2, in line 1, after "hours" by inserting "of"; in line 3, by striking "provided" and inserting "if"; in line 5, by striking "2020" and inserting "2021"; in line 8, after "for" by inserting "any portion of"; also in line 8, after "minimum" by inserting "of"; also in line 8, after "hours" by inserting "of"; in line 12, after "minimum" by inserting "of"; also in line 12, after "hours" by inserting "of"; in line 14, after "program" by inserting "until the minimum of 120 hours of confinement is completed,"; also in line 14, after "thereafter" by inserting a comma; in line 23, after "(2)" by inserting "(A)"; in line 27, by striking "(A)" and inserting "(i)"; in line 32, by striking "(B)" and inserting "(ii)"; following line 43, by inserting:

"(B) The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.";

On page 8, in line 10, by striking "2020" and inserting "2021"; in line 15, by striking "2020" and inserting "2021"; in line 30, by striking "2020" and inserting "2021";

On page 10, in line 16, by striking "2020" and inserting "2021";

On page 12, in line 13, by striking "2020" and inserting "2021";

On page 13, in line 15, by striking "2020" and inserting "2021";

On page 1, in the title, in line 5, by striking "2020" and inserting "2021"; and the bill be passed as amended.

Also, **HB 2477**, as amended by House Committee of the Whole, be amended on page 3, in line 5, by striking "May 15, 2022" and inserting "January 20, 2023"; following line 5, by inserting:

"Sec. 2. K.S.A. 2021 Supp. 48-965 is hereby amended to read as follows: 48-965.

(a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose of preparing for, responding to or mitigating any effect of COVID-19.

(b) Notwithstanding any statute to the contrary, an applicant may practice in Kansas pursuant to a temporary emergency license upon submission of a non-resident healthcare provider certification form to the Kansas healthcare stabilization fund and without paying the surcharge required by K.S.A. 40-3404, and amendments thereto.

(c) No temporary emergency license shall be issued to practice a profession unless such profession is required by law to be licensed, certified or registered in the state of Kansas.

(d) This section shall expire on ~~March 31, 2022~~ January 20, 2023.";

On page 5, in line 12, after "Kansas" by inserting "for the purpose of preparing for, responding to or mitigating any effect of COVID-19"; in line 20, by striking the colon; in line 21, by striking "(1)"; in line 22, by striking all after "Kansas"; by striking all in lines 23 and 24; in line 25, by striking all before the period; also in line 25, after the period by inserting "Within seven calendar days of initiating practice in Kansas, such healthcare professional shall notify the appropriate regulatory body in Kansas that such professional is practicing in Kansas pursuant to this subsection by submitting information on a form and in a manner prescribed by such regulatory body. Any healthcare professional practicing in Kansas pursuant to this subsection shall be:

(1) Subject to all rules and regulations applicable to the practice of the licensed profession in this state; and

(2) considered a licensee for the purposes of the applicable professional practice act administered by the applicable regulatory body.";

Also on page 5, in line 42, after the semicolon by inserting "and"; in line 43, by striking all after "education";

On page 6, in line 1, by striking all before the period; in line 31, by striking all before the period and inserting "January 20, 2023"; in line 32, after "Supp." by inserting "48-965 and"; also in line 32, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "extending the authority of the state board of healing arts to issue temporary emergency licenses; limiting the professions for which such licenses may be issued;"; also in line 5, after "Supp." by inserting "48-965 and"; in line 6, 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, January 20, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

