

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 11, 2022, 9:00 a.m.

The Senate was called to order pro forma by Senator Brenda Dietrich.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 558, AN ACT concerning firearms; establishing a procedure for a petition for restoration of a person's firearms rights; authorizing a person who was convicted of a felony that has been expunged to file such petition; amending K.S.A. 2021 Supp. 21-6614 and repealing the existing section, by Committee on Federal and State Affairs.

SB 559, AN ACT concerning driver's licenses; relating to vision requirements; limiting the liability of optometrists and ophthalmologists who provide information to the division of vehicles; amending K.S.A. 8-295 and repealing the existing section, by Committee on Federal and State Affairs.

SB 560, AN ACT concerning health and healthcare; relating to medical marijuana; enacting the medical marijuana regulation act; providing for licensure and regulation of the cultivation, processing, distribution, sale and use of medical marijuana; delegating administrative duties and functions to the secretary of health and environment, secretary of revenue, board of healing arts, board of pharmacy and the director of alcohol and cannabis control; imposing fines and penalties for violations of the act; establishing the medical marijuana registration fund and the medical marijuana business regulation fund; creating the crimes of unlawful storage and unlawful transport of medical marijuana; making exceptions to the crimes of unlawful manufacture and possession of controlled substances; amending K.S.A. 38-2269, 44-501, 44-706, 44-1009, 44-1015, 65-28b08, 79-5201 and 79-5210 and K.S.A. 2021 Supp. 19-101a, 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201 and 65-1120 and repealing the existing sections, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

An objection having been made to **SB 433** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

MESSAGE FROM THE GOVERNOR

SB 358 approved on March 9, 2022

REPORTS OF STANDING COMMITTEES

The Committee on **Assessment and Taxation** recommends **SCR 1619, SCR 1620**, be adopted.

Committee on **Judiciary** recommends **HB 2416** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2416," as follows:

"Senate Substitute for HOUSE BILL NO. 2416

By Committee on Judiciary

"AN ACT concerning public health; requiring compensation for the use, restriction on use, damage, loss or destruction of property as a result of certain governmental actions; authorizing reimbursement of property taxes levied upon businesses shut down or restricted as a result of certain governmental actions related to contagious or infectious disease; amending K.S.A. 2021 Supp. 79-1614 and repealing the existing section.";

And the substitute bill be passed.

Also, **SB 541** be amended on page 1, by striking all in lines 32 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 17; in line 23, by striking "mandates the wearing of face masks,";

On page 4, by striking all in lines 32 through 43;

On page 5, by striking all in lines 1 through 27; following line 27 by inserting:

"New Sec. 3. (a) Notwithstanding any provision of law to the contrary, a governmental entity or public official shall not order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.

(b) A governmental entity or public official may recommend that a person wear a face mask as a response to a contagious or infectious disease.";

On page 6, in line 21, by striking "subsections" and inserting "subsection"; also in line 21, by striking "and (e)";

On page 7, in line 15, after "(d)" by inserting "(1)"; in line 23, by striking "(e)" and inserting "(2)"; in line 24, by striking "the provisions of"; also in line 24, after "to" by inserting ":

(A)";

Also on page 7, in line 27, after "elections" by inserting "; or

(B) order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.

(3) No rule, regulation or executive order issued by the governor or any other governmental entity pursuant to the Kansas emergency management act shall apply to the exercise of religion in a church, synagogue or other place of worship";

Also on page 7, in line 28, by striking "(f)" and inserting "(e)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 13, in line 14, after "(1)" by inserting "A governmental entity or public official shall not have the power under the provisions of the Kansas emergency management act or any other law to order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.

(2) No action taken by a governmental entity or public official pursuant to the Kansas emergency management act shall apply to the exercise of religion in a church, synagogue or other place of worship.

(f) (1)";

On page 16, in line 28, after "(d)" by inserting "and section 3, and amendments thereto";

On page 17, in line 25, by striking "mandates the wearing of face masks,";

On page 19, in line 17, after "(A)" by inserting "Except as provided in section 3, and amendments thereto,"; in line 18, by striking "mandating the wearing of face masks,";

On page 20, following line 18, by inserting:

"Sec. 14. K.S.A. 2021 Supp. 65-202 is hereby amended to read as follows: 65-202.

(a) (1) The local health officer in each county throughout the state, immediately after such officer's appointment, shall take the same oath of office prescribed by law for the county officers, shall give bond of \$500 conditioned for the faithful performance of the officer's duties, shall keep an accurate record of all the transactions of such office, shall turn over to the successor in office or to the county or joint board of health selecting such officer, on the expiration of such officer's term of office, all records, documents and other articles belonging to the office and shall faithfully account to the board of county commissioners and to the county and state for all moneys coming into the office. Such officer shall notify the secretary of health and environment of such officer's appointment and qualification, and provide the secretary with such officer's contact information.

(2) Such officer shall receive and distribute without delay in the county all forms from the secretary of health and environment to the rightful persons, all returns from persons licensed to practice medicine and surgery, assessors and local boards to said secretary, shall keep an accurate record of all of the transactions of such office and shall turn over all records and documents kept by such officer, the successor in office, or to the county or joint board electing such officer, on the expiration of the term of office.

(3) The local health officer shall upon the opening of the fall term of school, make a sanitary inspection of each school building and grounds, and shall make such additional inspections as are necessary to protect the public health of the students of the school.

~~(e)~~(b) (1) Such The local health officer shall make an investigation of each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and such other acute infectious, contagious or communicable diseases as may be required, and, except as provided in section 3, and amendments thereto, shall: (A) Use all known measures to prevent the spread of any such infectious, contagious or communicable disease; and ~~shall~~ (B) perform such other duties as this act, the county or joint board, board of health or the secretary of health and environment may require.

(2) Any order issued by the local health officer, including orders issued as a result of an executive order of the governor, on behalf of a county regarding the remediation of any infectious, contagious or communicable disease may be reviewed, amended or revoked by the board of county commissioners of any county affected by such order in the manner provided by K.S.A. 65-201(b), and amendments thereto.

(c) Such officer shall receive compensation as set by the board and with the approval of the board of health may employ a skilled professional nurse and other additional personnel whenever deemed necessary for the protection of the public health.

(d) For any failure or neglect of the local health officer to perform any of the duties prescribed in this act, the officer may be removed from office by the county board of

health. In addition to removal from office, for any failure or neglect to perform any of the duties prescribed by this act, the local health officer shall be deemed guilty of ~~a~~ an unclassified misdemeanor and, upon conviction, be fined not less \$10 nor more than \$100 for each and every offense.";

On page 21, by striking all in lines 35 through 43;

By striking all on page 22;

On page 23, by striking all in line 1; in line 3, by striking "79-1614" and inserting "65-202";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "governmental action; relating to"; also in line 1, by striking all after the semicolon; by striking all in line 2; in line 3, by striking all before the semicolon and inserting "prohibiting a governmental entity or public official from ordering or otherwise requiring a person to wear a face mask as a response to a contagious or infectious disease"; in line 4, by striking "face mask mandates,"; in line 12, by striking "and face mask mandates"; in line 15, after the semicolon by inserting "limiting powers of the governor and other governmental entities under the Kansas emergency management act related to the exercise of religion,"; in line 24, by striking all after the semicolon; by striking all in lines 25 and 26; in line 27, by striking "disease,"; in line 29, by striking "79-1614" and inserting "65-202"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 444** be amended by substituting with a new bill to be designated as "Substitute for SENATE BILL NO. 444," as follows:

"Substitute for SENATE BILL NO. 444

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027, 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. 2021 Supp. 2-223, 12-1775a, 12-5256, 17-12a601, 72-5462, 74-50,107, 74-99b34, 75-2263, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171 and 79-4804 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2567** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2567," as follows:

"Senate Substitute for HOUSE BILL NO. 2567

By Committee on Ways and Means

"AN ACT concerning education; relating to state aid; removing federal impact aid from the determination of local foundation aid; excluding Fort Leavenworth school district and virtual school students from the capital improvement state aid determination; extending the general obligation bond limitation; amending K.S.A. 72-5135 and 72-5461 and K.S.A. 2021 Supp. 72-5132 and 72-5462 and repealing the existing sections.";

And the substitute bill be passed.

SB 340 be amended as recommended by the Senate Committee on Education as reported in the Journal of the Senate on February 1, 2022, and the bill, as printed as amended by Senate Committee, be further amended on page 1, following line 8, by

inserting:

"New Section 1. (a) The Kansas promise scholarship act, K.S.A. 2021 Supp. 74-32,271 through 74-32,277, and amendments thereto, shall expire on July 1, 2027. Kansas promise scholarship recipients who had been awarded a Kansas promise scholarship prior to July 1, 2027, may continue to receive such scholarship awards until they complete the Kansas promise scholarship program as provided in the Kansas promise scholarship act, prior to its expiration, but no new scholarship may be awarded after July 1, 2027.

(b) This section shall be a part of and supplemental to the Kansas promise scholarship act.";

On page 4, in line 4, by striking "and" and inserting a comma; in line 5, after "supplies" by inserting ", measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study and a review of the employment of scholarship recipients who have completed the Kansas promise scholarship program, including, but not limited to, employment fields and geographic location of such employment";

On page 6, in line 28, by striking "2022 and"; also in line 28, after "2023" by inserting "through 2027"; in line 29, by striking "For"; by striking all in lines 30 through 32;

On page 8, in line 19, by striking "48" and inserting "36";

On page 10, in line 2, by striking "48-month" and inserting "36-month";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "program" and inserting "act"; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes:

Senator Corson: congratulating the Shawnee Mission East Boys Swim and Dive Team on winning the 2022 6A State Championship;

Senator Pettey: celebrating Solomon Rangel's 99th Birthday;

Senator Pittman: thanking Ron Wurtele for his service to Kansas Veterans, VFW Riders, and Patriot Guard; and

Senator Steffen: extending official recognition to Kansans for Health Freedom, commending Bryant and Tess Anderson for producing The Early Covid Treatment Symposium.

On motion of Senator Kristen O'Shea, the Senate adjourned until 2:30 p.m., March, 14, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

□