

Journal of the House

THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 9, 2022, 11:00 a.m.

The House met pursuant to adjournment with Speaker Ryckman in the chair.

The roll was called with 119 members present.

Reps. Coleman, Donohoe, Finney and Poetter Parshall were excused on verified illness.

Reps. Carlin and Rahjes were excused on excused absence by the Speaker.

Prayer by Rep. Steven Johnson:

Gracious God,
We have so much for which to be thankful.
We are thankful to be here.
We are thankful for all you have given us.
We pray that your providence be with those fighting in Ukraine,
that your kingdom may be established and prevail there
and throughout the world.
May we all continually consider how our actions and words
serve your kingdom above our earthly kingdoms.
Today, we pray again for our sister Eunice, that your healing hand is upon her.
In our journey together to the stars,
we can only make it with Your great love and guidance.
When hate, envy or deceit wells within or around us,
help us to instead reflect Your love, understanding and truth.
Amen.

The Pledge of Allegiance was led by Rep. Blex.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Delperdang are spread upon the Journal:

I stand here today to address the House over an event that happened a little more than a year ago. We all know why I did not address this a year ago, but a lot has transpired since then.

On August 29, 2020, a Sedgwick County 911-Dispatch was advised of a wrong-way driver on K-96 Highway, Northwest of Wichita. Minutes later, police units were advised of a head-on collision on K-96.

Officer Ohlemeier arrived on the scene to find two vehicles fully engulfed in flames with both drivers trapped inside. Officer Ohlemeier accessed the vehicles and removed the drivers. During the incident, one of the vehicles had small explosions believed to be ammunition.

Once the drivers were removed from the vehicles, Officer Ohlemeier and other first responders attended to the driver's needs. During this time, a third vehicle with an intoxicated driver ran directly into the emergency scene at highway speeds, ultimately killing one of the original drivers.

I wanted to bring Officer Ohlemeier before the Legislature, to recognize him for his heroic efforts that August evening. So I contacted his Chief, Mark Hinkle — who stands with me now. This was meant to be a surprise to Officer Ohlemeier.

But plans change. Officer Ohlemeier contracted COVID-19 on December 4th, By December 7th, he was admitted to the hospital. And by the morning of December 8th, he had died from COVID-19.

With me today are Officer Ohlemeier's daughters, Elizabeth Hemingway, who is a police officer in St. Louis MO and Lindsay Gallagher, and Officer Ohlemeier's sister, Cay Ohlemeier. I asked Chief Mark Hinkle if he would come to Topeka to stand before you as I present a recognition for Officer Ohlemeier's actions on the evening of August 29, 2020.

Rep. Delperdang presented a framed House certificate to the Ohlemeier family in memory of Officer Ohlemeier's heroic efforts.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2735, AN ACT concerning economic development; enacting the right-to-start act; relating to tax incentives for new businesses; reducing the first \$100,000 of new business income included in a taxpayer's Kansas adjusted gross income by 20% for the first three tax years the taxpayer's business is in operation; reducing the income tax on eligible new corporations to 3% for the first three years of such eligible corporation for the first \$100,000 of income; requiring the department of administration to make certain reports to the legislature; establishing the office of entrepreneurship within the department of commerce; amending K.S.A. 2021 Supp. 79-32,110, as amended by section 15 of 2022 Senate Bill No. 347, and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Children and Seniors: **SB 276**.

Commerce, Labor and Economic Development: **HB 2731**.

Federal and State Affairs: **SB 479**.

Health and Human Services: **HB 2734**.

Insurance and Pensions: **HB 2733**.

Judiciary: **HB 2730**.

Taxation: **HB 2732, SB 282, SB 326**.

MESSAGES FROM THE SENATE

Announcing passage of **HB 2329, HB 2594**.

CONSENT CALENDAR

No objection was made to **HB 2710** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2710, AN ACT concerning alcoholic beverages; increasing the percentage of alcohol by volume in domestic table wine and domestic fortified wine; amending K.S.A. 41-102 and 41-501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Eplee, Esau, Estes, Fairchild, Featherston, Finch, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Ellis, Jacobs.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Poetter, Rahjes.

The bill passed.

HB 2548, AN ACT concerning information technology; relating to information technology projects and reporting requirements; information technology security training and cybersecurity reports; requiring certain information to be provided to the joint committee on information technology; amending K.S.A. 46-2102, 75-7201, 75-7205, 75-7206, 75-7208, 75-7209, 75-7210, 75-7211, 75-7237, 75-7239, 75-7240 and 75-7242 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Featherston, Finch, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer,

Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Fairchild, Murphy, Rhiley.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Poetter, Rahjes.

The bill passed, as amended.

HCR 5027, A CONCURRENT RESOLUTION applying to the Congress of the United States to call a convention of the states for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government. , was considered on final action.

On roll call, the vote was: Yeas 76; Nays 43; Present but not voting: 0; Absent or not voting: 6.

Yeas: Anderson, Arnberger, Barker, Bergkamp, Bergquist, Blex, Burris, Burroughs, Carlson, W. Carpenter, Clark, Clifford, Concannon, Corbet, Croft, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Miller, Minnix, Moser, Murphy, Neelly, Newland, Orr, Osman, Owens, F. Patton, Penn, Proctor, Proehl, Ralph, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Turner, Waggoner, Wasinger, Waymaster, K. Williams.

Nays: Alcalá, Amyx, Awerkamp, Baker, Ballard, Borjon, Byers, Carmichael, Clayton, Collins, Curtis, Featherston, Gartner, Haswood, Henderson, Highberger, Houser, Hoye, Jacobs, Kuether, Meyer, Neighbor, Ohaebosim, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schmidt, Schreiber, Stogsdill, Thompson, Toplikar, Vaughn, Victors, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Poetter, Rahjes.

A two-thirds majority of the members elected to the House not having voted in the affirmative, the resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments" I voted against **HCR 5027** because it will not do what some claim and reel in Congress. If the required number of states pass an Article V resolution it will be Congress who calls the convention and makes the rules. There are too many unanswered questions now about how it will work and I do not want to bet our Constitution to find out. I vote No on **HCR 5027**. – KEN COLLINS

MR. SPEAKER: I vote yes on **HCR 5027**. I have serious concerns about possible serious consequences with the passage of this. However, I am elected to represent my district, my constituents. I have heard from the majority of my constituents. They want a yes vote from their representative, therefore I vote yes. – SUZI CARLSON

MR. SPEAKER: Between debate and independent research, I cannot in good conscience support **HCR 5027**. The evidence is clear that an Article V convention will grant unmitigated power to a dysfunctional and untrustworthy Congress to determine the scope, rules, and mechanics of any proceeding. Kansas will cede its sovereignty to some unknowable future body, while abandoning the enduring security of our Constitution. A better America isn't found in wholesale rewriting of a document penned by brilliant minds guided by Providence; it lies in our shared sense of civic duty, community, and faith in our ability to build a more perfect union. – JASON PROBST, JOHN CARMICHAEL

MR. SPEAKER: I VOTE “NO” ON **HCR 5027**. Because our government has rejected God's Law the Ten Commandments, we must now contend with a *corrupt government* that does not fear man nor God. Since we have chosen not to self-govern by God's Word, we must now be governed by *corrupt men*.

“We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all our political institutions upon the capacity of mankind for self-government; upon the capacity of each...of us to govern ourselves, to control ourselves...according to the Ten Commandments of God.” James Madison – TREVOR JACOBS

MR. SPEAKER: I proudly vote Yes on **HCR 5027**, the Convention of States. This convention is explicitly set up in Article V of our Constitution as an alternative method to amending the constitution. It gives the states a way to bypass a dysfunctional Congress. What had been prepared for us in A.D. 1789 is more than useful in A.D. 2022. A \$30 trillion federal deficit, unsustainable federal spending, federal overreach and career politicians with 20, 30 or 40 years of “service” are ruining our land. Kansas needs to push back using all means possible. **HCR 5027** does that. – PAUL WAGGONER

On motion of Rep. Hawkins, the House resolved into the Committee of the Whole, with Rep. Hoffman in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Hoffman, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2462** be passed.

Committee report to **SB 2** be adopted; and the bill be passed as amended.

Committee report to **SB 421** be adopted.

Also, on motion of Rep. Waymaster, **SB 421** be amended as amended by House Committee, on page 1, in line 16, by striking "\$746,133,978" and inserting "\$1,000,000,000"; in line 21, before the period by inserting ": *Provided*, That the first \$253,866,022 of such transfer shall be for the full payment of reduced employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in fiscal years 2017 and 2019"; by striking all in lines 22 through 31;

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after "2022"; in line 5, by striking all before the semicolon

Also, on motion of Rep. Xu to amend **SB 421**, Rep. S. Johnson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Also, roll call was demanded on motion of Rep. Xu to amend **SB 421** as amended by House Committee, on page 1, by striking all in lines 11 through 21 and inserting "New Section 1. (a) The retirement benefit, pension or annuity payments accruing after June 30, 2022, to each retirant shall be increased by a cost-of-living adjustment in an amount as provided in subsection (b). Such payments shall be paid by the retirement system to the retirant.

(b) (1) Except as provided in paragraph (2), each retirant who is entitled to receive a retirement benefit, pension or annuity payment from the retirement system on July 1, 2022, shall have such retirement benefit, pension or annuity increased in accordance with the following schedule. For those retirants whose date of retirement is:

(A) On or before July 1, 2017, such benefit, pension or annuity payment shall be increased 1% of the retirement benefit, pension or annuity payment in effect on July 1, 2022;

(B) on or before July 1, 2014, such benefit, pension or annuity payment shall be increased 2% of the retirement benefit, pension or annuity payment in effect on July 1, 2022;

(C) on or before July 1, 2011, such benefit, pension or annuity payment shall be increased 3% of the retirement benefit, pension or annuity payment in effect on July 1, 2022;

(D) on or before July 1, 2008, such benefit, pension or annuity payment shall be increased 4% of the retirement benefit, pension or annuity payment in effect on July 1, 2022; and

(E) on or before July 1, 2005, such benefit, pension or annuity payment shall be increased 5% of the retirement benefit, pension or annuity payment in effect on July 1, 2022.

(2) In no event shall the increase in the monthly benefit amount provided by this section exceed \$200.

(c) As used in this section:

(1) "Insured disability benefit recipient" means any person receiving an insured disability benefit under K.S.A. 74-4927, and amendments thereto;

(2) "retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges; and

(3) "retirant" means any:

(A) Person who is a member or special member of the retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and who retired on or before July 1, 2017;

(B) person who is a joint annuitant or beneficiary of any member described in subparagraph (A); and

(C) insured disability benefit recipient.";

Also on page 1, in the title, in line 5, by striking all after the semicolon; in line 6,

by striking all before the semicolon and inserting "providing a cost-of-living adjustment for certain retirants"

On roll call, the vote was: Yeas 38; Nays 79; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcala, Amyx, Ballard, Burroughs, Byers, Carmichael, Clayton, Curtis, Featherston, Gartner, Haswood, Helmer, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neelly, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Proctor, Resman, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Nays: Anderson, Arnberger, Awerkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helgerson, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Newland, Orr, Owens, F. Patton, Penn, Proehl, Ralph, Rhiley, Ryckman, Samsel, Sanders, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Sutton, Tarwater, Thomas, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Poetter, Rahjes, Thompson, Victors.

The motion of Rep. Xu to amend **SB 421** did not prevail and the bill be passed as amended.

Committee report recommending a substitute bill for **Sub SB 286** be adopted.

Also, on motion of Rep. Patton, **H Sub for Sub SB 286** be amended on page 1, in the title, in line 2, after the semicolon by striking the second "extending the"

Also, on motion of Rep. Finch, **H Sub for Sub SB 286** be amended on page 2, in line 38, by striking the second "for" and inserting "that arise out of or relate to"; in line 40, by striking all after the third comma; in line 41, by striking all before "to" and inserting "related"

Also, on motion of Rep. Hawkins, **H Sub for Sub SB 286** be amended on page 1, following line 12, by inserting:

"New Section 1. (a) Interference with the conduct of a hospital is:

(1) Conduct at or in a hospital so as to knowingly deny an employee of the hospital to enter, to use the facilities of or to leave any such hospital;

(2) knowingly impeding any employee of a hospital from the performance of such employee's duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof; or

(3) knowingly refusing to leave a hospital upon being requested to leave by the employee charged with maintaining order in such hospital, if such person is committing, threatens to commit or incites others to commit any act that did, or would if completed, disrupt, impair, interfere with or obstruct the mission, processes, procedures or functions of the hospital.

(b) Aggravated interference with the conduct of a hospital is interference with the conduct of a hospital as defined in subsection (a) when in possession of any weapon as

described in K.S.A. 2021 Supp. 21-6301 or 21-6302, and amendments thereto.

(c) (1) Interference with the conduct of a hospital is a class A nonperson misdemeanor.

(2) Aggravated interference with the conduct of a hospital is a severity level 6, person felony.

(d) As used in this section:

(1) "Employee" means a person employed by, providing healthcare services at, volunteering at or participating in an educational course of instruction at a hospital; and

(2) "hospital" means the same as the term is defined in K.S.A. 65-425, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 2021 Supp. 21-5413 is hereby amended to read as follows: 21-5413.

(a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or

(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person;

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act; or

(4) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act while:

(A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and

amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(c) Battery against a law enforcement officer is:

(1) Battery; as defined in subsection (a)(2); committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery; as defined in subsection (a)(1); committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) battery; as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) ~~An~~ Aggravated battery; as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) ~~an~~ aggravated battery; as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery; as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery; as defined in subsection (a); committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) Battery against a healthcare provider is a battery as defined in subsection (a) committed against a healthcare provider while such provider is engaged in the performance of such provider's duty.

(h)(1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

- (A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;
- (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;
- (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and
- (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.
- (3) Battery against a law enforcement officer as defined in:
 - (A) Subsection (c)(1) is a class A person misdemeanor;
 - (B) subsection (c)(2) is a severity level 7, person felony; and
 - (C) subsection (c)(3) is a severity level 5, person felony.
- (4) Aggravated battery against a law enforcement officer as defined in:
 - (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and
 - (B) subsection (d)(2) is a severity level 4, person felony.
- (5) Battery against a school employee is a class A person misdemeanor.
- (6) Battery against a mental health employee is a severity level 7, person felony.
- (7) Battery against a healthcare provider is a class A person misdemeanor.
- ~~(h)~~(i) As used in this section:
 - (1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;
 - (2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;
 - (3) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-2302, and amendments thereto;
 - (4) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;
 - (5) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;
 - (6) "mental health employee" means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;
 - (7) "judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
 - (8) "attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;
 - (9) "community corrections officer" means an employee of a community

correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs;

(10) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court; ~~and~~

(11) "federal law enforcement officer" means a law enforcement officer employed by the United States federal government who, as part of such officer's duties, is permitted to make arrests and to be armed; ~~and~~

(12) "healthcare provider" means a person who is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state and employed by or providing healthcare services at a hospital as defined in K.S.A. 65-425, and amendments thereto."

On page 5, in line 10, after "Supp." by inserting "21-5413,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "liability for certain actions; relating to"; in line 2, after the semicolon by inserting "crimes, punishment and criminal procedure; crimes against the public peace; creating the crime of interference with the conduct of a hospital; increasing the criminal penalty for battery of a healthcare provider;"; in line 9, after "Supp." by inserting "21-5413,"
and **H Sub for Sub SB 286** be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2466** be adopted; and the substitute bill be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hawkins pursuant to House Rule 2311, **HB 2462**, **HB 2466**, **SB 2**, **SB 286** and **SB 421** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 2, AN ACT concerning alcoholic liquor; relating to the Kansas state fair; sales during the state fair; issuance of temporary permits; liquor enforcement tax and liquor drink tax; crediting a portion of such tax moneys collected to the state fair capital improvements fund; amending K.S.A. 41-719, 41-1201, 79-4108 and 79-41a03 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 31; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Ballard, Barker, Bergkamp, Borjon, Burroughs, Carlson, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Dodson, M., Eplee, Estes, Fairchild, Finch, Francis, French, Gartner, Haswood, Hawkins, Helmer, Henderson, Highberger, Hoheisel, Houser, Howe, Howell, Hoyer, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Meyer, Miller, Moser, Neelly, Neighbor, Ohaebosim, Osman, Ousley, Owens, F. Patton, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Ruiz, L.,

Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, C., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Baker, Bergquist, Blex, Burris, Byers, Carmichael, Curtis, Delperdang, Ellis, Esau, Featherston, Garber, Helgerson, Highland, Hoffman, Howerton, Jacobs, Lee-Hahn, Minnix, Murphy, Newland, Orr, Penn, Rhiley, Ruiz, S., Sanders, Schmidt, Smith, E., Stogsdill, Victors, Weigel.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Mason, Poetter, Rahjes.

The bill passed, as amended.

HB 2462, AN ACT concerning the joint committee on state-tribal relations; removing the requirement that members be selected from the membership of certain standing committees; amending K.S.A. 46-2303 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Meyer, Miller, Minnix, Moser, Murphy, Neely, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Mason, Poetter, Rahjes.

The bill passed.

SB 421, AN ACT concerning the Kansas public employees retirement system; eliminating certain level-dollar employer contribution payments; making and concerning appropriations for the fiscal year ending June 30, 2022; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund; amending K.S.A. 2021 Supp. 74-4920 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 5; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Francis, French,

Garber, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Meyer, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Curtis, Gartner, Highberger, Kuether, Miller.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Mason, Poetter, Rahjes.

The bill passed, as amended.

H Sub for Sub SB 286, AN ACT concerning the governmental response to the COVID-19 pandemic in Kansas; extending the extending the expanded use of telemedicine and expiring such provisions; extending the suspension of certain requirements related to medical care facilities and expiring such provisions; modifying the COVID-19 response and reopening for business liability protection act; extending immunity from civil liability for certain healthcare providers, certain persons conducting business in this state and covered facilities for COVID-19 claims until January 20, 2023; amending K.S.A. 2021 Supp. 48-963, 48-964, 60-5503, 60-5504, 60-5508 and 65-468 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 17; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burroughs, Byers, Carlson, W. Carpenter, Clark, Clayton, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Ellis, Eplee, Estes, Fairchild, Featherston, Finch, Francis, French, Gartner, Haswood, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Meyer, Minnix, Moser, Neelly, Neighbor, Newland, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp, Burris, Carmichael, Curtis, Esau, Garber, Henderson, Highberger, Houser, Jacobs, Lee-Hahn, Miller, Murphy, Ohaebosim, Sutton, Victors, Winn.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Poetter, Rahjes.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote NO on **H Sub SB 286** because of the amendment added that would give hospitals MORE immunity and less accountability. Many hospitals during COVID are already impeding medical freedom by withholding life saving drugs like ivermectin. When those patients die because of denied treatment of COVID, the

families will now have no recourse. We've seen the damage that giving immunity to vaccine companies has done. This is an example of "getting the best legislation that money can buy." – TATUM LEE

Sub HB 2466, AN ACT concerning education; enacting the promoting advancement in computing knowledge act; relating to computer science courses of instruction in high schools; establishing the computer science educator program; authorizing scholarship awards to licensed and preservice teachers taking computer science courses, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 4; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcala, Amyx, Anderson, Amberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Collins, Corbet, Croft, Curtis, Delperdang, Dodson, M., Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neely, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Averkamp, Concannon, Jacobs, Lee-Hahn.

Present but not voting: None.

Absent or not voting: Carlin, Coleman, Donohoe, Finney, Poetter, Rahjes.

The substitute bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2556** be amended as recommended by the House Committee on Judiciary as reported in the Journal of the House on February 18, 2022, and the bill, as printed as amended by House Committee, be passed as amended.

Committee on **Local Government** recommends **HB 2676** be amended on page 1, in line 13, by striking "n" and inserting "on"; in line 36, by striking all before "fund"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2548 reported correctly engrossed March 8, 2022.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5027 reported correctly engrossed March 8, 2022.

On motion of Rep. Hawkins the House adjourned pro forma until 9:00 a.m. on Friday, March 11, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*