

Journal of the House

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 8, 2019, 8:30 a.m.

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

The roll was called with 119 members present.

Rep. Waymaster was excused on legislative business.

Reps. Ballard, Concannon, Johnson and S. Ruiz were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker,

Lord God,
Thank You for this day and this week
and for Your unfailing promise to
be our guiding light.
I am reminded how negativity breeds negativity
and how positivity breeds victory and success.
As our leaders continue their work,
remind them often that we empower and enlarge
that upon which we focus and give time to.
If we focus on the good, good will prevail.
If we focus on the negative, negativity will prevail.
It all comes down to each of us choosing
that of which we want more.
Every choice we make will have an end result
and the power of that choice is within us.
Lord, help all of us to choose wisely.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Moore.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Appropriations: **HB 2391**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2160, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; election, Wabaunsee county; amending K.S.A. 2018 Supp. 12-187 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 7; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Baker, Barker, Benson, Bergquist, Bishop, Blex, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Burroughs, Carmichael, Helgerson, Hodge, Pittman, Whipple.

Present but not voting: None.

Absent or not voting: Ballard, Concannon, Johnson, Ruiz, S., Waymaster.

The bill passed, as amended.

SB 22, AN ACT concerning taxation; relating to income tax, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums, Kansas itemized deduction, election; sales and compensating use tax, imposition of tax, nexus, remote sellers, marketplace facilitators, food and food ingredients, rates; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120, 79-32,138, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 79-3221o, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 43; Present but not voting: 0; Absent or not voting: 5.

Yeas: Arnberger, Averkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Kelly, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Esau, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Karleskint, Kessinger, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Pannbacker, Parker, Pittman, Probst, Ruiz, L., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Ballard, Concannon, Johnson, Ruiz, S., Waymaster.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote “yes” on **SB 22**. I reluctantly vote in favor of **SB 22**; I’m putting my faith in House leadership. **#HD5**, RURAL Kansas, and our seniors, veterans, and families **DEMAND PROPERTY TAX RELIEF**. And stable school funding, sound infrastructure, and mental health. **SB 22** has some good attributes, but fails higher priorities. I implore this Legislature, the Governor, and all others to use OUR intellect, experience, and resources to help US cast a vote WE can all be proud of. Please, let’s deliver for the good, hard-working people of Kansas. If these critical items are not addressed, I cannot in good conscience vote for such legislation again. – MARK SAMSEL

MR. SPEAKER: I vote no on **Senate Bill 22**.

Under no circumstance could I support a bill that puts the interest of giant multinational corporations before hardworking Kansans. I cannot support a bill that would return our state to fiscal irresponsibility. We’ve only just begun on a path to recovery.

Furthermore, the food sales tax reduction of a mere 1% is not meaningful reform. If we really want to reduce the burden on Kansans, we must address the issue head-on and not as a quick add-in to a bill that will give corporations \$137 million in FY 2020 alone.

Thank you, Mr. Speaker. -- GAIL FINNEY, JIM GARTNER, CINDY NEIGHBOR, JEFF PITTMAN, VIRGIL WEIGEL, MIKE AMYX, FRED A WARFIELD, RUI XU, JERRY STOGSDILL, DAVID BENSON, MONICA MURNAN, BRODERICK HENDERSON, ELIZABETH BISHOP, KC OHAEBOSIM, DENNIS “BOOG” HIGHBERGER, TIM HODGE, SIDNEY CARLIN, LUIS RUIZ, BRETT PARKER, EILEEN HORN, CINDY HOLSCHER, NANCY LUSK, VALDENIA WINN, KATHY WOLFE MOORE.

MR. SPEAKER: I am voting yes today on **Senate Bill 22**. I want the playing field leveled between out-of-state internet sellers and in-state brick and mortar retailers. It isn’t fair that retailers in Kansas must collect sales tax when those who sell online can avoid collecting tax because they don’t have a physical presence in our state. As for claims that the income tax portion of this bill favors large corporations, we should look at who many stockholders are. Through my 401k, I hold ownership in some large corporate stock as many of our constituents do. The interests of large business and that of hard-working Kansans aren’t always contrary to each other. – KEN COLLINS

MR. SPEAKER, I vote no on **Senate Bill 22**. Under no circumstance could I support a bill that would recreate the disastrous Brownback tax experiment. Thank you, Mr. Speaker. -- JOHN ALCALA, PAM CURTIS, PONKA-WE VICTORS

MR. SPEAKER: I vote No on **Senate Bill 22**. A basic principle of sound financial management is “you don’t spend money you don’t have.” This bill “spends” tax revenue we have not yet seen or collected to create a tax loophole for off-shore corporations which have avoided Kansas tax liability for years. While we may be able to afford meaningful sales tax relief, and restoring a full itemized deduction for the less than 15% of Kansans who itemize, I will not support a \$137,000,000.00 tax give away for expatriate corporations. I therefore vote No on **Senate Bill 22**. – JOHN CARMICHAEL

MR. SPEAKER: Taxpayers and business owners, whether individuals or corporations who provide thousands of jobs in my district and county, need the adjustments and freedom in this bill and I support avoiding an unintended state tax increase created by the changes in the Federal tax code. However, the amendments related to sales taxes

are not coupled together and the overall impact may be increasing taxes at the very time we are trying to avoid an unintended tax increase. Those items should have been addressed separately, not in this bill. For these reasons, I reluctantly vote no on **SB 22**.--
CHARLOTTE ESAU

MR. SPEAKER: I vote Yes on **SB 22** not because of the added enforcement of the internet sales tax penalty, but because in the contents of the bill there is hope that money will go back to the Kansas taxpayer. My sincere expectation in the future is that the State would be so gracious to give the people a full reduction in the food sales tax.

I agree with Andrew Jackson, "The wisdom of man never yet contrived a system of taxation that would operate with perfect equality."

We the people understand taxation is a necessary monster to be fed, but to what end?
-TREVOR JACOBS

MR. SPEAKER: The original idea here was to allow businesses and individuals to itemize deductions on income tax returns, even if they don't on their federal return. Like much legislation, other items were added in the process including an internet sales tax added, BUT a food sales tax reduction – so it is a bill which bundles issues.

It allows Kansans to itemize expenses for charitable contributions, medical expenses, mortgage interest, and property tax payments (as examples) – I agree.

I disagree with adding an internet sales tax, but I agree to a reduction in food sales tax.

Weighing all issues, I vote yes on **SB 22**. -- JOHN TOPLIKAR

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 17**, **SB 39** as amended by Senate Committee, be passed.

REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

Request No. 49, by Representative John Eplee, honoring the Kansas Athletic Trainers' Society for the role of their profession in keeping the community healthy;

Request No. 50, by Representative Bill Sutton, commending Conner Dean Leshovsky on achieving the rank of Eagle Scout;

Request No. 51, by Representative Larry Hibbard, congratulating the Eureka Tornadoes Wrestling Squad on winning the 2019 Class 3-2-1A State Team Title;

Request No. 52, by Representative Larry Hibbard, congratulating Illustrious Sir Jeffrey L. Sowder for being elected to serve as Illustrious Imperial Potentate of North American Shrine for 2019-2020;

Request No. 53, by Representative KC Ohaebosim, in memory of Engineer Davidson Nwankwo;

Request No. 54, by Representative Jim Ward, commending the Junior League for 118 years as a dynamic force in communities;

Request No. 55, by Representatives John Alcalá and Valendia Winn commending sponsors of the historic educational initiative Kansas Culturally Relevant Pedagogy Project;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hawkins, the committee report was adopted.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Gartner to replace Rep. Ballard on Committee on Appropriations on March 11, 2019.

REPORT ON ENGROSSED BILLS

HB 2160 reported correctly engrossed March 7, 2019.

REPORT ON ENROLLED BILLS

HB 2001, HB 2044 reported correctly enrolled, properly signed and presented to the Governor on March 8, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, March 11, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

