Journal of the House

TWENTY-SEVENTH DAY

Hall of the House of Representatives, Topeka, KS, Wednesday, February 15, 2017, 11:00 a.m.

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

The roll was called with 124 members present. Rep. Mastroni was excused on excused absence by the Speaker. Excused later: Rep. DeGraaf.

Prayer by Chaplain Brubaker:

Jehovah Jireh - God our Provider, today we come before you with thankfulness in our hearts for how You provide for us in so many ways. Each one of us is so blessed by the many gifts You give. You provide us with abilities, skills, talent, ideas, creativity, wisdom and discernment. Today as these leaders exercise these gifts, remind them in their decision making to seek You while You may be found; to call on You while You are near. Help them to remember that their thoughts are not Your thoughts, neither are their ways Your ways. "For as the heavens are higher than the earth, so are Your ways higher than their ways and Your thoughts than their thoughts." Help them to take the higher road. I ask this in Christ's Name. Amen. (Isaiah 55:6, 8-9)

The Pledge of Allegiance was led by Rep. Neighbor.

PERSONAL PRIVILEGE

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

In 1959, long before most of you were born, my ship landed in NY harbor. Coming from a small German town and looking at the statue of liberty and the enormous skyline of Manhattan made an impression hard to describe. I had just turned 20 but my love affair with America had begun much earlier. At the end of the war I was 5 and the destruction was total but the occupying troops who had seen their comrades killed at Omaha Beach, the Huertgen Forrest, the battle of the Bulge – and the concentration camps being opened had every reason to despise and hate the German civilian population were unexpectedly friendly and helpful especially to us small children starving as we were – they gave us candy bars and chewing gum – which we did not know and we ate. Interestingly it was the black soldiers who seemed the most generous – who were still looking forward to returning to a segregated country with rampant segregation.

My entire treasure consisted of \$200 but I had high hopes and expectations. In Chicago I had an aunt who was a Franciscan Sister and a nurse anesthetist. Immigration in those days was very different from today – you had to get a visa, medical exam, documents form the local police and an interview where you were explicitly informed that you could not expect any assistance from the US government until you became a citizen - which would take 5 years. Therefore you needed a sponsor who was responsible if you needed support. My aunt haunted the obstetricians to locate one for me. As a Nun, she had taken vows of chastity, obedience, and poverty, therefore all she could give me was lunch in the hospital cafeteria and advice. She sat me down and told me "now you will work, go to school, and save your money and you will become a big man" looking at my girth you can tell she was at least partially right!

I had my 1st job 4 days after arriving in town -what a job! An orderly in the hospital indelicate and unpleasant to the extreme. Giving enemas, emptying bed pans and transporting dead bodies from their room to the morgue – all for 1.45/hr. there was an unexpected benefit, however. An extremely buxom young graduate nurse worked on my floor. She was very kind, always in good spirits and attentive. Strictly speaking she was my superior and it took me a few weeks to ask her out. She accepted and as of today, we've been together 57 years and we have been married 54. That God put her on my side is the greatest blessing I have ever received .

The rest of the story is easily told. We had very few material goods, in fact we were poor. We raised a family and I progressed to numerous jobs each paying better cab driver at night University Of Illinois during the day, waiter, airplane reservation agent, flight service training instructor at the hostess academy, and service manager on the new magnificent 747. What a job that was, I was in charge of everything this side of the cockpit door and also of 17 young women who were selected for their beauty, charm and energy. Three times a month we flew from Los Angeles to London, where a bus picked us up and took us to the hotel. I soon concluded this was not a job for a married man with little kids and also that I would never be president of the airline. So, I quit and got a graduate degree in international economics. After that my wife and I with two

others started a business. We had very little money and getting a tax bill for estimated taxes on money not yet earned and trying to meet out payroll jeopardized our survival several times. It is hard to underestimate the economic folly of ideologues who cannot be bothered by facts. On day one of this session a callipygian attorney expressed her opinion in tax committee. She moved to not only rescind the tax relief but to make it retroactive. A Republican advocating the Bernie Sanders school of economics policy.

We worked hard had the right service at the right time and after a couple of years of struggle and business took off. Fast forward ten years, we employed 150 people, 40 in KS, made millions of dollars and paid hundreds of thousands in taxes, and we became financially successful – only in America. Don't stifle success by the wrong fiscal policies – support growth.

After retiring at 60 I was persuaded to run for a seat in the house. I spent my own money and prevailed and I never lost an election. So I came here too old to have any other ambitions, to the best job I ever had – low paying as it is. I made lifelong friends and learned to appreciate friend and foe and the civility amongst my colleagues. Yesterday my eloquent attorney friend from Wichita with whom I fought many a battle reminded me of that once again. I still believe his view are misguided and he surely must believe the same about me, but our respect for each other remains intact.

All good things must come to an end and for me serving in this house is the best thing that ever happened to me. Goodbye.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were referred to committees as indicated:

Federal and State Affairs: **HB 2366**. Health and Human Services: **HCR 5010**.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2264** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2289** from Committee on Financial Institutions and Pensions and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2288, HB 2345** from Committee on K-12 Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2147** from Committee on Veterans and Military and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2344**, **HB 2346**, **HB 2347**, **HB 2142**, **HB 2143**, **HB 2242**, **HB 2270**, **HB 2324** from Committee on Appropriations and rereferral to Committee on K-12 Education Budget.

Also, the withdrawal of **HB 2032**, **HB 2241** from Committee on Water and Environment and referral to Committee on Taxation.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Kuether, **HR 6012**, A RESOLUTION congratulating and commending Washburn University men's basketball head coach, Bob Chipman, on a successful career, was adopted.

The following remarks of Rep. Kuether are spread upon the Journal:

It is my great pleasure to honor Washburn University's Men's Basketball coach, Bob Chipman.

Bob has had an outstanding career at Washburn and has actually been coaching longer than President Farley has been at the helm and longer than I have served in the Kansas legislature.

I point this out because loyalty is to be commended and we are grateful he has stayed with WU and finished his outstanding career here. With Coach Chipman today to help him celebrate are Carol Chipman-Bob's wife and one of our very own House Clerks; Bob Chipman Sr.-Coach's father (93 years old); Kelsey Stringer-daughter; Loren Ferre-WU Athletic Director; Bruce Steinbrock-WU; Foundation-Athletics; Photographer, Gene Cassell, Sports Information Director; and President Jerry Farley. His son, Bobby, was unable to be here this morning. I would also like to thank John Pinegar for all of his help pulling this together.

Coach Chipman, congratulations on your wonderful career. Thank you so very much!

CONSENT CALENDAR

No objection was made to SB 22 appearing on the Consent Calendar for the first day.

No objection was made to **HB 2126**, **HB 2164**, **HB 2212**, **HB 2213** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2071, AN ACT concerning crimes and punishment; relating to domestic battery; amending K.S.A. 2016 Supp. 21-5414 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: DeGraaf, Kiegerl, Landwehr, Mastroni.

The bill passed.

HB 2085, AN ACT concerning crimes, punishment and criminal procedure; relating to postrelease supervision; persons convicted of a sexually violent crime; amending K.S.A. 2016 Supp. 22-3717 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: DeGraaf, Kiegerl, Mastroni.

The bill passed, as amended.

HB 2110, AN ACT concerning financial institutions; relating to trust companies; establishment of nonresident entities; requirements; amending K.S.A. 2016 Supp. 9-2111 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly,

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Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: DeGraaf, Kiegerl, Mastroni.

The bill passed, as amended.

HCR 5003, A CONCURRENT RESOLUTION urging Congress to propose the regulation freedom amendment to the Constitution of the United States, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Blex, Brim, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Garber, Good, Hawkins, Helgerson, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Wheeler, Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: Alcala, Ballard, Bishop, Burroughs, Campbell, Carlin, Carmichael, Finney, Frownfelter, Gallagher, Gartner, Henderson, Highberger, Hodge, Holscher, Kuether, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Ruiz, Sloan, Victors, Weigel, Winn.

Present but not voting: None.

Absent or not voting: DeGraaf, Kiegerl, Mastroni.

The resolution was adopted.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **HB 2178** be adopted.

Also, roll call was demanded on motion to recommend **Sub HB 2178** favorably for passage.

On roll call, the vote was: Yeas 83; Nays 39; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Baker, Ballard, Becker, Bishop, Blex, Brim, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Dove, Elliott, Eplee, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Holscher, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rahjes, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Smith, A., Stogsdill, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Victors, Ward, Weigel, Wheeler, Wilson, Winn, Wolfe Moore.

Nays: Arnberger, Aurand, Awerkamp, Barker, Burroughs, B. Carpenter, Claeys, Corbet, E. Davis, Delperdang, Ellis, Esau, Finch, Garber, Hawkins, Highland, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Landwehr, Osterman, R. Powell, Rafie, Ryckman, Schwab, Seiwert, Smith, E., Sutton, Thimesch, Vickrey, Waymaster, Weber, C., Whipple, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: DeGraaf, Kiegerl, Mastroni.

The motion prevailed and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on Children and Seniors recommends HB 2160 be passed.

Committee on **Children and Seniors** recommends **HB 2187** be amended on page 1, in line 31, after "Supp." by inserting "21-5812 and"; and the bill be passed as amended.

Committee on General Government Budget recommends HB 2129 be passed.

Committee on **General Government Budget** recommends **HB 2130** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on Local Government recommends HB 2210 be amended on page 1, by striking all in lines 6 through 17;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "concerning elections" and inserting "repealing K.S.A. 2016 Supp. 25-2711"; in line 2, by striking all after "signs"; in line 3, by striking all before the period; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 30** be amended on page 11, following line 8, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 79-3298 is hereby amended to read as follows: 79-3298. (a) Every employer, payer, person or organization deducting and withholding tax shall remit the taxes and file returns in accordance with the following provisions:

(1) Whenever the total amount withheld exceeds 100,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld in accordance with the following schedule: Each calendar month shall be divided into four remittance periods that end on the 7th, 15th, 21st and the last day of such month. If at the end of any one or all of such remittance periods the total undeposited

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taxes equal or exceed \$667, the taxes shall be remitted within three banking days. Saturdays, Sundays and legal holidays shall not be treated as banking days.

(2) Whenever the total amount withheld exceeds \$8,000 but does not exceed \$100,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld for wages paid during the first 15 days of any month on or before the 25^{th} day of the month. The employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld for wages paid during the first 15 days of any month on or before the 25^{th} day of the month.

(3) Whenever the total amount withheld exceeds 1,200 but does not exceed \$8,000 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during any month on or before the 15^{th} day of the following month.

(4) Whenever the total amount withheld exceeds \$200 but does not exceed \$1,200 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld in any calendar quarter on or before the 25^{th} day of the first month following the end of that calendar quarter.

(5) Whenever the total amount withheld does not exceed \$200 in any calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during that year on or before January 25 of the following year.

(b) Each remittance required under the provisions of subsection (a) shall be accompanied by a Kansas withholding tax remittance form and shall be filed in the manner prescribed by the director, including electronic filing.

(c) Every employer, payer, person or organization deducting and withholding tax and making remittances pursuant to subsection (a) shall file a return on a form or in the format and shall file in the manner prescribed by the director, including electronic filing, for each calendar year on or before the last day of February January 31 of the following year.

(d) The excess of any remittance over the actual taxes withheld in any withholding period shall be credited against the liability for following withholding periods until exhausted. A refund shall be allowed in accordance with K.S.A. 79-32,105, and amendments thereto, where an overpayment cannot be adjusted by an offset against the liability for a subsequent withholding period.

(e) For purposes of determining filing requirements, determinations of amounts withheld during a calendar year by employers, payers, persons or organizations deducting and withholding tax shall be made by the director upon the basis of amounts withheld by those employers, payers, persons or organizations during the preceding calendar year or by estimates in cases of employers, payers, persons or organizations having no previous withholding histories. The director is hereby authorized to modify the filing schedule for any employer, payer, person or organization deducting and withholding tax when it is apparent that the original determination was inaccurate.

(f) Whenever the director has cause to believe that money withheld by an employer, payer, person or organization deducting and withholding tax pursuant to this act may be converted, diverted, lost, or otherwise not timely paid in accordance with this section, the director shall have the power to require returns and payment from any such employer, payer, person or organization at any time at more frequent intervals than

prescribed by this section in order to secure full payment to the state of all amounts withheld by such employer, payer, person or organization in accordance with this act.

Sec. 3. K.S.A. 2016 Supp. 79-3299 is hereby amended to read as follows: 79-3299. (a) Every employer, payer, person or organization deducting and withholding tax, on or before January 31 of each year, shall prepare a statement for each employee or payee on a form prescribed by the director stating the amount of wages or payments other than wages subject to Kansas income tax paid during the preceding year, the total amount of tax withheld, if any, from such wages or payments other than wages by the employer, payer, person or organization pursuant to this act and such other information as may be prescribed by the director. One copy of such statement shall be filed by the employer, payer, person or organization with the division of taxation on or before the last day of February January 31 of each year. Except as otherwise provided, if the employer, payer, person or organization files statements which report such withholding information for 51 or more employees or payees, the statements shall be filed by electronic means. If filing such statements by electronic means would be a hardship for any such employer, payer, person or organization, the secretary may permit such statements to be filed other than by electronic means. Two copies of such statement shall be given to the employee or payee concerned, one of which will be filed by the employee or payee with the tax return required by this chapter.

(b) In the case of an employee whose employment is terminated before the end of a calendar year, the statement required by subsection (a) may be mailed at the time provided in that subsection to the last known address of the employee, or issued at the time of the last payment to the employee, at the employer's option.

(c) Any employer, payer, person or organization deducting and withholding tax who intentionally fails to furnish a statement to an employee or payee as required under the provisions of subsections (a) and (b) shall be guilty of a nonperson misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100 for each such offense.

(d) The annual statement of wages and salaries paid and amount withheld required by this section shall be in lieu of the annual information return required under K.S.A. 79-3222, and amendments thereto.";

Also on page 11, in line 9, after "Supp." by inserting "79-3298, 79-3299 and"; also in line 9, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking the first "sales"; also in line 1, after "to" by inserting "sales taxation,"; in line 2, by striking the first semicolon and inserting a comma; also in line 2, after the second semicolon by inserting "income taxation, reporting requirements, dates;"; also in line 2, after "Supp." by inserting "79-3298, 79-3299 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Hibbard to replace Rep. Mastroni on Committee on Transportation on February 15, 2017.

REPORT ON ENGROSSED BILLS

HB 2085, HB 2110 reported correctly engrossed February 14, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Thursday, February 16, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, Journal Clerks. SUSAN W. KANNARR, Chief Clerk.