

SPECIAL SESSION

# Journal of the House

FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, June 23, 2016, 8:00 a.m.

Pursuant to the Governor's proclamation of June 8, 2016, the House met in special session at 8:00 a.m.

The following proclamation of the governor was read by Kris W. Kobach, Secretary of State.

**PROCLAMATION CALLING THE LEGISLATURE  
INTO SPECIAL SESSION  
TO ADDRESS SCHOOL FINANCE**

*TO THE PEOPLE OF THE STATE OF KANSAS, GREETINGS:*

WHEREAS, the State of Kansas has outstanding public schools; and

WHEREAS, the State of Kansas has appropriated more than \$4 billion, a record amount of funding, to ensure the high quality of those public schools; and

WHEREAS, the State of Kansas recognizes the importance of high quality public schools in preparing our children to be successful adults; and

WHEREAS, Article 6, Section 6(b) of the Constitution of the State of Kansas provides that the "legislature shall make suitable provision for finance of the educational interests of the state;" and

WHEREAS, the ruling of the Kansas Supreme Court in *Gannon v. State of Kansas* has created an extraordinary occasion pursuant to Article 1, Section 5 of the Constitution of the State of Kansas, in which the Kansas Supreme Court has threatened to cause the closure of all Kansas public schools;

NOW, THEREFORE, I, Sam Brownback, GOVERNOR OF THE STATE OF KANSAS, by the authority vested in me by the Constitution of the State of Kansas, do hereby call the Legislature of the State of Kansas into Special Session to address school finance at the Capitol in Topeka, Kansas, on the 23rd day of June, 2016, at the hour of 8:00 o'clock a.m., to enact legislation to respond to the ruling of the Kansas Supreme Court in *Gannon v. State of Kansas*.

DONE: At the Capitol in Topeka  
under the Great Seal of the  
State this 8th day of  
June, A.D. 2016

BY THE GOVERNOR: SAM BROWNBACK  
*Governor of Kansas*  
 KRIS W. KOBACH  
*Secretary of State*  
 ERIC K. RUCKER  
*Assistant Secretary of State*

### OATH OF OFFICE

Representative-elect Jim Gartner took and subscribed to the following oath of office, which was administered by Bryan A. Caskey, Deputy Assistant Secretary of State.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of member of the House of Representatives, so help me God.

Subscribed and sworn to, or affirmed, before me this 22<sup>nd</sup> day of June, 2016.

Bryan A. Caskey  
*Deputy Assistant Secretary of State*

Speaker Merrick called the House to order.

The roll was called with 120 members present.

Reps. Claeys, Edmonds, Goico, Hedke and Suellentrop were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

All-knowing God,  
 Here we are gathered again so soon –  
 not something that we expected,  
 but it is no surprise to You.  
 And, if the heat outside  
 is any indication of  
 the heat inside,  
 we might be in trouble.  
 God, we are here to settle a serious issue  
 of which everyone has an opinion  
 and have voiced their opinions  
 over the last few weeks.  
 The rhetoric of solutions have been voiced by  
 special interest groups, lobbyists, the media,  
 different levels of state government,  
 members of this chamber and the Senate Chamber,  
 and, of course, our citizens.  
 The voices have been deafening –  
 sharp – biting – critical – negative.

And now we are here to make a decision  
and the only voice we need to hear  
and listen to is Yours.  
Help these leaders to block out all the noise –  
and listen to the voice that matters the most.  
Because of all the voices,  
Yours is the only voice of true reason,  
the only voice that knows the future,  
the voice that brings wisdom and calmness  
to all the chaos.  
Speak to these leaders today –  
and help them to heed Your Word,  
“real wisdom, God’s wisdom begins with a holy life  
and is characterized by peace-loving,  
being considerate, submissive,  
full of mercy and good fruit,  
impartial and sincere.”  
In Christ’s Name I pray, Amen.  
(James 3.17 – MSG/NIV)

The Pledge of Allegiance was led by Rep. Clayton.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Burroughs, **HR 6001**, by Reps. Merrick and Burroughs, as follows, was introduced and adopted:

#### **HOUSE RESOLUTION No. HR 6001--**

A RESOLUTION relating to the organization of the House of Representatives.

*Be it resolved by the House of Representatives of the State of Kansas:*

That the Chief Clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Ray Merrick, speaker,  
Peggy Mast, speaker pro tem,  
Gene Vickrey, majority leader,  
Tom Burroughs, minority leader,  
Susan Kannarr, chief clerk,  
Foster Chisholm, sergeant at arms,  
and awaits the pleasure of the Senate.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Burroughs, **HR 6002**, by Reps. Merrick and Burroughs, as follows, was introduced and adopted:

#### **HOUSE RESOLUTION No. HR 6002--**

A RESOLUTION relating to assignment of seats in the House of Representatives.

*Be it resolved by the House of Representatives of the State of Kansas:*

That the members of the 2016 special session of the legislature shall occupy the same seats assigned pursuant to 2016 House Resolution No. 6030 with the following exception: Gartner, seat No. 50.

The House stood at ease until the sound of the gavel.

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Speaker Merrick called the House to order.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker Merrick announced the appointment of Rep. Johnson to replace Rep. Claeys on Committee on Appropriations for June 23.

Also, the appointment of Rep. Mason to replace Rep. Suellentrop on Committee on Appropriations for June 23.

The House stood at ease until the sound of the gavel.

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Speaker Merrick called the House to order.

#### **MESSAGES FROM THE SENATE**

Announcing adoption of **SR 1701**, a resolution relating to the organization of the Senate. The Senate is organized with the following officers:

Susan Wagle, President,  
Jeff King, Vice President,  
Terry Bruce, Majority Leader,  
Anthony Hensley, Minority Leader,  
Corey Carnahan, Secretary,  
Charles (Nick) Nicolay, Sergeant at Arms,  
and awaits the pleasure of the House of Representatives.

Announcing adoption of **SCR 1601**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2016 special session of the Legislature is duly organized and ready to receive communications. Appointing Senators Baumgardner and Kelly as members of the committee.

#### **INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

On motion of Rep. Burroughs, **SCR 1601**, relating to a committee to wait upon the Governor and advise him the 2016 special session of the Legislature is duly organized and ready to receive communications, was thereupon introduced and adopted.

In accordance with **SCR 1601**, Speaker Merrick appointed Reps. Rahjes, Weber and Scott as members of the committee to wait upon the Governor.

Upon unanimous consent, the House referred back to the regular business,

Introduction of Bills and Concurrent Resolutions.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2001**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing, by Committee on Appropriations.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Speaker Merrick announced the referral of **HB 2001** to the Committee on Appropriations.

On motion of Rep. Vickrey, the House recessed until 2:00 p.m.

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### **AFTERNOON SESSION**

The House met pursuant to recess with Speaker Merrick in the chair.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill and concurrent resolution were introduced and read by title:

**HB 2002**, AN ACT concerning courts; establishing the superior court; relating to appellate court jurisdiction; amending K.S.A. 3-709, 12-811, 13-1228h, 19-3517, 20-101, 20-139, 20-158, 20-163, 20-1a14, 20-205, 20-207, 20-208, 20-211, 20-310b, 20-2201, 20-2616, 20-3016, 20-3018, 20-3208, 22-2514, 22-2804, 22-4507, 24-702, 25-3206, 48-2922, 48-2925, 60-1301, 60-2101, 60-3201, 60-3208, 68-527a and 75-3216 and K.S.A. 2015 Supp. 7-121b, 9-1905, as amended by section 53 of 2016 Senate Bill No. 390, 20-1a15, 20-2601, 20-2622, 20-3002, 20-3017, 20-3021, 20-3202, 21-5207, 21-5905, 21-6619, 21-6628, 21-6702, 22-2202, 22-3402, 22-3601, 22-3602, 22-3604, 22-3612, 22-4701, as amended by section 1 of 2016 Senate Bill No. 362, 26-504, 45-217, as amended by section 10 of 2016 Substitute for Senate Bill No. 22, 55-1410, 60-1501, 60-2102, 65-4211, 72-64b03, 74-8762, 74-8813, 74-8815, 75-430, 75-702, 75-3120L, 75-3692, 75-37,135 and 82a-1505 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 20-3301, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. **HCR 5001**—  
By Committee on Judiciary

**HCR 5001**—A PROPOSITION to amend article 6 of the constitution of the state of Kansas by amending section 6 thereof to establish requirements for the finance of

public elementary and secondary schools and to define the legal remedies for violations of article 6.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make ~~suitable~~ provision for finance of the educational interests of the state *as follows: For any fiscal year that commences on or after July 1, 2017, the legislature shall designate and appropriate for the finance of public elementary and secondary schools an amount that is 45% of the preceding fiscal year's total state revenue for the ensuing fiscal year. The state board of education shall have exclusive authority and responsibility to allocate and distribute funds designated and appropriated by the legislature for the finance of public elementary and secondary schools. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.*

(c) *In any civil action in which a statute or other legislative enactment of this state has been held unconstitutional as a violation of this article, no court shall have the authority to order a school district or any attendance center within a school district to be closed, or make or enforce any other order or remedy, the effect of which is to prohibit the expenditure of funds such that a school district or any attendance center within a school district shall not operate. Nor shall the legislature have such authority when its action is in direct response to a court ruling that a statute or other legislative enactment of this state has been held unconstitutional as a violation of this article.*

~~(e)~~ (d) No religious sect or sects shall control any part of the public educational funds.

(e) *As used in this section, the term "total state revenue" means all moneys received by the state from any source except any of the following:*

(1) *Moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor;*

(2) *moneys received from the federal government; and*

(3) *moneys which are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and which are*

*credited to such funds."*

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* The purpose of this amendment is to specify, as a percentage of the state's total revenue, the amount of funds the legislature is to appropriate each year for public schools. The amendment also gives the state board of education exclusive authority to allocate and distribute funds appropriated for public schools. The amendment also limits the legal remedies available to both the courts of this state and the legislature by prohibiting the closure of schools as a legal remedy in cases where a law is held to be unconstitutional as a violation of article 6 of the constitution of the state of Kansas.

"A vote for this proposition would require the legislature to appropriate 45% of the state's total revenue each year for the purpose of financing public schools and would grant exclusive authority to the state board of education to allocate and distribute such funds. It would also prohibit courts in this state from issuing any order to close one or more schools as a remedy in a lawsuit where a law is held to be unconstitutional as a violation of article 6 of the constitution of the state of Kansas. It would also prohibit the legislature from enacting any law that would close one or more schools if such law is in direct response to a court ruling that a law is unconstitutional as a violation of article 6 of the constitution of the state of Kansas.

"A vote against this proposition would make no changes to current law. The legislature would retain its responsibility to provide suitable finance for the educational interests of this state. Also, courts would be able to continue issuing orders that could have the effect of closing schools, and the legislature would retain authority to close schools by law."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2016, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

On motion of Rep. Vickrey, the House recessed until 4:00 p.m.

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LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker Merrick in the chair.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2003**, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; relating to the classroom learning assuring student success act; repealing the tax credit for low income students scholarship program act; amending K.S.A. 2015 Supp. 72-3715, 72-6463, as amended by section 6 of 2016 Senate Substitute for House Bill No. 2655, 72-6481, as amended by section 10 of 2016 Senate Substitute for House Bill No. 2655 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 72-6476, as amended by section 9 of 2016 Senate Substitute for House Bill No. 2655, 72-99a01, 72-99a02, 72-99a03, 72-99a04, 72-99a05, 72-99a06 and 72-99a07 and sections 2, 3 and 5 of 2016 Senate Substitute for House Bill No. 2655, by Committee on Appropriations.

**REPORTS OF STANDING COMMITTEES**

Committee on **Appropriations** recommends **HB 2001** be passed.

On motion of Rep. Vickrey, the House adjourned until 9:00 a.m., Friday, June 24, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

