

Approved: June 6, 2016  
Date

## MINUTES OF THE HOUSE SELECT INVESTIGATING COMMITTEE

The meeting was called to order by Chairwoman Erin Davis at 8:45 a.m. on June 26, 2015, in Room 582-N of the Capitol.

All members were present.

Committee staff present:

Norm Furse, Office of the Revisor of Statutes  
Gordon Self, Office of the Revisor of Statutes  
Raney Gilliland, Kansas Legislative Research Department  
Karen Clowers, Legislative Administrative Services

Conferees appearing before the committee:

Rep. Ron Highland  
Rep. Tony Barton  
Rep. Valdenia Winn

Others attending:

See attached list.

Chairwoman Davis welcomed all present and provided opening remarks reminding the committee under which the proceedings are governed, reviewed the agenda, informed all present of her intent for the orderly conduct of the proceedings in a respectful, courteous manner. ([Attachment 1](#))

The committee reviewed and corrected the committee minutes from April 1, 2015. *Rep. Kahrs moved, Rep. Schwartz seconded, to approve the minutes as corrected. Motion carried.*

Chairwoman Davis indicated each member of the Committee has been provided a copy of the Rules and Guidelines for the Investigative Committee ([Attachment 2](#))

Gordon Self, Revisor, reviewed background information on Article 49. Reprimand, Censure or Expulsion of Members under the rules of the *2015-16 Rules of the Kansas House of Representatives*. ([Attachment 3](#))

The committee listened to a portion of the audio recording of the March 19, 2015 House Education Committee covering the segment of the meeting instigating the complaint against Rep. Winn. ([Attachment 4](#))

Chairwoman Davis then recognized Rep. Ron Highland. Rep. Highland presented his remarks as a complaint against Rep. Winn. ([Attachment 5](#))

Chairwoman Davis then recognized Rep. Tony Barton. Rep. Barton presented his remarks as a complaint against Rep. Winn. ([Attachment 6](#))

## CONTINUATION SHEET

Minutes of the House Select Investigating Committee at 8:45 a.m. on June 26, 2015, in Room 582-N of the Capitol.

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Written testimony in support of the complaint were submitted by:

- Rep. John Bradford (Attachment 7)
- Rep. John Barker (Attachment 8)
- Rep. Willie Dove (Attachment 9)
- Rep. Dennis Hedke (Attachment 10)
- Rep. Jerry Lunn (Attachment 11)
- Rep. Charles Macheers (Attachment 12)

Following the testimony of the complainants, committee members asked clarifying questions.

Chairwoman Davis then recognized Rep. Winn to present her statement. (Attachment 13)

Following Rep. Winn's testimony committee members asked clarifying questions.

The committee recessed at 9:35 a.m. for the *sine die* session of the House of Representatives. Chairwoman Davis indicated the committee would move into executive session to discuss personnel matters relating to the complaint and the testimony received following recess or adjournment of the House.

The committee reconvened at 12:18 p.m. Chairwoman Davis stated the committee had completed the inquiry period and was ready to consider any motions by committee.

Rep. Kahrs moved, Rep. Ballard seconded, to dismiss the complaint.

- Rep. Kahrs then presented remarks supporting his motion.
- Rep. Whipple stated his support of the motion.
- Rep. Ballard stated her support of the motion.
- Rep. Sawyer stated his support of the motion.
- Rep. Schwartz stated her support of the motion.

Following remarks by the committees members Chairwoman Davis called the motion for a vote.

Motion carried on an unanimous vote.

Chairwoman Davis thanked the staff and committee members for the hard work required to ensure the proceedings are fair and equitable as well as the conferees for their professionalism and decorum.

The meeting was adjourned at 12:31 p.m.

# Guest List

## Select Investigating Committee

Date: June 24, 2015

Name	Representing
Nancy Brune	Douglas County Dems.
Marilyn Brune	Independent Voter
Katelyn Rademacher	
Connie J. Wempe	Lyon Co. Democrats
Beverly J. Darby	Valdema Winn Voter
E. E. Jones	independent voter
Matt Ball	
Christina King	Valdema Winn's 2 <sup>nd</sup> Amendment
Ellen Bachus	Winn & democracy
Cornell Hill	The Community Voice
David Norlin	Ku Klux Klan
Clark Shultz	Kansas Ins. Dept.
Mark RAUSTON	Kansas Teachers
Melanie Ralsten	NEA- Topeka
Alynnis Kickhafer	Kansas Teachers
DOUGLAS McGAU	LYON CO. KS DEMS
Mary McJannet	" " " "
William L. Ballard	Lyon Co. Democrats
Elaine Garlik	Lyon Co Democrats
Jim King	JEFF. Co Dem.

SEE BACK  
→

Candace Young

REPRESENTING SELF

Mary E. Akerstrom  
Jeff Zamzla

Nat'l Organization for Women  
Shawnee County Dems

Rep. HAROLD LANE  
Lauren Van Wagener  
Colby Van Wagener

Mary Napier

Lisa Maziar  
Mark Maziar

Lalo Munoz

Patty Kinnelt

Lilli Born  
Nicky Born

David Norlin

Kris Adair

Janet Cinelli

Rick Blumhorst - self

Unitarians for Social Justice

# Guest List

## Select Investigating Committee

Date: June 26, 2015

Name	Representing
Deb Shepard	KS. Dems
Linda Seifert	LvCo Dems / 2 <sup>nd</sup> Cong. Dist Dem
Cheyenne Davis	Kansas Democratic Party
May Reed Spencer	Wabaunsee Cty Democratic Party chair
Mary McLow	Emporia Democratic Party
Alyce Edwards	ICS Dems / KNEA
Louis Seifert	LvCo Dems / KA DEMS
Chris Ventana	KNEA - R / Pres Elect
Joel Sproule	people of Kansas
Jan Kuent	"
Robert Piedra	KS/MO Dream Alliance
Jessica Piedra	KS/MO Dream Alliance
Sister Therese Bangert	Sisters of Clarity of Leavenworth
Rabbi Moti Rieber	citizen of Kansas
Rep. Nancy Lusk	KS House Dist. 22
Sonja Wilms	N.O.W. Topola chapter Pres.
Christy Levings	Miami County Citizen
Bria Levings	Douglas County Citizen
Kyle Gocher	Young people who have had enough and do better
Evelyn Davis	Sanity in government! (and supporting Rep. Winn)

Carolyn L Wilms-Campbell     Shaune Co African American Democratic Caucus

# Guest List

## Select Investigating Committee

Date: June 26, 2015

Name	Representing
Clayton Hunter	EI Centro, Inc.
Irene Caudillo	EI Centro, Inc.
Norm Scott	Wy Co Dems
Lyth Jan	KCK
Bill Reardon	Former Ks. House Member
M. Eileen Epps-Hamilton	KCK
BRENDA C. JONES	KCK
Rich Barker	JC
Darnell Hunt	Johnson County
Sue Storm	SoCo Dems
Lynne Biddle	Lawrence U.U. Fellowship
Kevin Statton	Self
John Turney	KS Dems
Katrina V. Roberson	JCNAACP
JERRY BISHOP	KS DEMS
Jo Ann Herron	JCNAACP
Ben Smith	Town of Christ NAACP
MARVA JOHNSON	JCNAACP
Kevin Belt	KNEA
Linda Canady	myself

ASK

# Guest List

## Select Investigating Committee

Date: \_\_\_\_\_

Name	Representing
Vernette Chance	KRAI
Aaron Landes	KPA
Davis Hammett	The People
Patrick Velasquez	America
William S. Faust	J.P. Co Dem's
Bill Anderson	Occupy Wichita
John P. Ryan	Myself
Brian Patrick	KCKCC / El Centro
Nancy Heitzig (CASAD)	Topeka - UUFT Social Justice Committee
BOB HOFFMAN	FOR REP WICHITA - JUST A KANSAS RESIDENT
Karen Coyce	KPA - Wichita
Reuben Eckels	KPA
Nancy Leiker	Jo Co Dem's
ANDY SANDLER	KS Democratic Party - 3rd Cong. District
DON MCGUIRE	Jo Co Democrats
TESS BANION	The good people of KS
John D. Rios	El Centro / KCKCC / KCKPS
Larry Meeker	Kansas Democratic Party
Candace Ayars	Capitol Area KS Democratic Party
Marypierre Hellebrant	Shawnee Co. Democrat

# Guest List

## Select Investigating Committee

Date: June 26, 2015

Name	Representing
JOHN ALCALA	57 <sup>th</sup> IH
Rep Carl Finney	84 <sup>th</sup>
DE RY	#31
G. Metzger	#53
Pam Curtis	#32
AURA KELLY	18 <sup>th</sup> Senate
Dennis Borg Highberger	46 <sup>th</sup> Dist
Prince Bradley	Wichita
Dorothy Hoyt-Ree	Lawrence - <del>AP</del>
DIANA SCOTT	LAWRENCE
Beth DaSilva	Prairie Village
ESAU FREEMAN	WICHITA KS
Mike Bryn	DCCBS
Jessica Lee	Lawrence
Claudean McKeel	Lawrence
CHRIS REES	Overland Park
Melinda Henderson	Lawrence
Judy Darnham	Topeka
Mike Kane	KCK
DA LINDA CLARKE	EMPORIA
Torry Williams	Hutchinson



# Guest List

## Select Investigating Committee

Date: June 26, 2015

Name	Representing
Mark Carriston	Olathe
Keith Persley	KCK
Djuan Wash	Wichita
Janet Loebel	Topoka
Joanna Schwartz	Abilene
Alexander G. Sanchez	Salina
Carla Riffel	Hope
KENNETH RIFFEL	DICKINSON COUNTY DEMOCRATS
ANN BOUGHTON	" " "
Jasmine Puderbaugh	Topoka
Chester Owens	KCK
DENNIS Tietze	Topoka
BILLIE KNIGHTON	WICHITA
Elizabeth Kinch	Derby
GLORIA J. HANNON	Emporia
Ann Birney	Admire
Sharon Culbert	Admire
Susan Fowler	Emporia
Jim Neeson	Emporia
Gay - ten	Lawrence
Troudi Hendee	Leavenworth
Bob Hendee	Leavenworth

# Guest List

## Select Investigating Committee

Date: June 26-2015

Name	Representing
Catherine Hodge	
Dwight Gilmore	SEA in Wichita
HARRY L. HUMPHRIES	PSD - Knecht
Shelley Dunham	1st Congressional District
Shanna Henry	Kingman County
Susan Moran	Self - Emporia, KS
Theresa Mitchell	Emporia, KS
Rex Gnowicz	SELF
Kathy Hund	Self
Kathy Montgomery	self
Julie Menghini	SELF
Lynn Grant	Crawford County
GLORIA J. HANNON	EMPORIA
JAMES A. HANNON	EMPORIA
RYAN SIPES	LAWRENCE
Opp Chapman	Self - Shawnee County
Victoria Nix-Chantum	Self, Wichita
Vukob Sandell Spang	Wichita, KS
Cupat Westbrook	Topoka
Mei Marsh	Mission, KS

# Guest List

## Select Investigating Committee

Date: June 26 - 2015

Name	Representing
Michelle Coevas-Strohlefeld	KS LUAC
BARB JHERD	NAACP KCS
Beverly A. Dunby	NAACP KCK
Megan Johnson	SEK NOW
Laura Washburn	SEK NOW
Susy Hammons	Liberal Ladies Who Lunch
JAMES BAXTER	private citizen, Democrat
Wendy Long	Self
Matt Blair	
Barbara Yarnel Chamberlain	Great Plains Chapter of A.U. for Separation of Church & State
Darnell Hunt	Johnson County
Kathleen Outlaw	Olathe, KS
Rand Rogers	EMPORIA KS.

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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OLATHE, KANSAS 66061  
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ERIN L. DAVIS  
15TH DISTRICT

## Chairwoman's Opening Comments

First, I want to remind committee members that these proceedings are governed by the following:

- State Constitution – Article 2, Section 8: “Each house shall provide for the expulsion or censure of members in appropriate cases.”
- Rules of the House – Article 49: Reprimand, Censure or Expulsion of Members
- Kansas Statute – Article 10 of Chapter 46

In addition to the above, House custom, usage and precedent should be considered. Additionally, *Mason's Manual of Legislative Procedure* is a guiding resource for items not included in the above. (Chapter 13)

This Select Investigating Committee has generated public interest and input. I want to assure this committee, Representative Winn and the complainants; I do not take my responsibilities as Chairwoman lightly and will continue to make every effort to assure these proceedings are conducted in a fair and respectful manner. There has been some confusion regarding the procedure governing when a Select Investigating Committee can be convened. There has also been confusion regarding the purpose of the Select Investigating Committee.

The Select Investigating Committee is a special committee that can only be convened in one circumstance: the filing of a formal complaint with the chief clerk. When a formal complaint is filed, the Speaker of the House is required to convene a Select Investigating Committee. The Speaker cannot decline to convene the committee, nor can the Speaker convene a Select Investigating Committee absent a formal complaint. This process is outlined in Article 49 of the House Rules.

Our state constitution provides we are a self-regulating body as to discipline. The purpose of today's inquiry and hearing is the exercise of that obligation. It is important that committee members and other interested persons remember the role of this committee is NOT to exact any discipline; rather, the role of this committee is to make a recommendation to the full body.

House Select Investigative Committee

June 24, 2015  
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Today's testimony cannot be easy for any of our conferees; these are solemn proceedings. We are all colleagues and after the conclusion of these proceedings, all of us will need to work together to do the business of the state of Kansas. Those who serve on this committee, as well as those who will testify before us today, have been duly elected by their constituents. We all owe one another the highest duty of respect, no matter what differences we may have. I believe we are all humbled by the honor it is to serve our great state. To that end, I fully expect all committee members and conferees alike to conduct themselves with the utmost of decorum. Chapter 13 of *Mason's* provides us with decorum guidelines and I will insist that these guidelines be strictly followed.

Committee members, complainants and Representative Winn have been provided an agenda for today's proceedings. I want to highlight a few items:

- First, we will hear testimony only from the complainants and Rep. Winn.
  - K.S.A. 46-1012 provides that witnesses required by compulsory process to testify shall be entitled to receive the advice of, and be accompanied by, counsel.
    - Compulsory witnesses are those that have been subpoenaed to appear before this committee. No subpoenas have been issued by this committee and therefore, no one testifying today is compelled to do so.
  - After considering the requirements outlined in statute, our state constitution and the House Rules, as well as studying precedent set by previous Select Investigating Committee proceedings, I have decided we will hear testimony from only Representative Winn and any of the nine Representative complainants. Each side will receive equal time to testify.
    - I understand Rep. Winn has retained counsel and it is her prerogative to do so. I have advised Rep. Winn and her counsel that counsel may prepare her for today's proceedings as well as accompany her and advise her during proceedings. However, statements made to this committee will be made by Rep. Winn and not her counsel. Any questions posed to Rep. Winn will be answered by her alone. In other words, this committee will not hear from Rep. Winn's counsel at any point in this proceeding.
  - I am not aware of the complainants retaining counsel.
  - Providing written testimony is customary for legislative hearings. However, despite legislative custom, conferees are not compelled to submit written testimony (or to testify at all, for that matter). Copies of received written testimony have been provided for committee members and hearing participants.
- Second, questions posed to conferees will be limited to 5 minutes in totality and will be posed only by members of the committee.
  - Questions posed must be respectful, courteous, relevant and productive.

- While *Mason's* allows for the Chair to have all questions addressed to him or her (Sec. 800(5) pg. 571), I am confident that our committee will conduct themselves accordingly and will not insist on this point of decorum. So, committee members may direct their questions directly to the conferees; however, if I deem any question to be disrespectful, discourteous, irrelevant or unproductive, I will exercise my right to intervene.
- I would remind members this is time for questions only; comments should be reserved for the appropriate time.

I want to now direct a few comments to the audience:

- My intent is to conduct these proceedings in an open forum, absent the Executive Session where we will discuss personnel matters. However, should the audience become distracting with outbursts or other noise, I will not hesitate to ask security to remove all audience members “to ensure the orderly conduct of the proceedings at this meeting.”

I appreciate the Committee's indulgence. Given the interest this hearing has generated, I felt it was important to outline the procedure we will follow today.

## RULES AND GUIDELINES FOR HOUSE SELECT INVESTIGATIVE COMMITTEE

1. Cell phone and pagers with audible tones must be turned off or disabled while in the committee room.
2. The Chairman reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
3. There shall be no recording, audibly, photographically or otherwise, of committee voting except by the committee secretary. (House Rule 505). Chair reserves the right to limit placement of cameras to ensure the orderly conduct of the proceedings at this meeting.
4. In any case where committee rules do not apply, House Rules and *Mason's Manual of Legislative Procedure* shall govern. All power, duties and responsibilities not addressed herein are reserved to the Chair.
5. The chair shall determine the committee agenda, including scheduling and the order of business.
6. The Chair reserves the right to limit testimony that is cumulative in nature or testimony that is, in the judgment of the Chair, not relevant to the matter under consideration.
7. The Chair reserves the right to limit questions of the committee that are cumulative in nature or disrespectful, discourteous, irrelevant or unproductive.
8. Committee members shall not be approached during a committee hearing or deliberations by anyone other than fellow legislative members or legislative staff. The area around the table is reserved for committee members and legislative staff.
9. A motion requires a second to be in order.
10. A request from any member that their vote be recorded shall be granted.
11. Adjournment is reserved to the chair.

House Select Investigative Committee

6-26-2015

Attachment

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KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

**MEMORANDUM**

To: Members of Select Committee  
From: Gordon Self, Office of Revisor of Statutes  
Date: June 26, 2015  
Subject: Select Committee – background information

Under Rules of the Kansas House of Representatives  
Article 49. Reprimand, Censure or Expulsion of Members

**Authority:** Section 8 of Article 2 of the Constitution of the State of Kansas provides  
“Each house shall provide for the expulsion or censure of members in appropriate cases.”

**Establishment:** The Select Investigating Committee was established pursuant to House  
Rule 4902 by appointment of the Speaker as printed on page 573 of the House Journal on  
March 31, 2015.

**Purpose and inquiry:** Pursuant to House Rule 4902, the Select Investigating Committee  
is to consider the complaint against Representative Valdenia Winn filed pursuant to  
House Rule 4901 with the Clerk of the House of Representatives on March 20, 2015, and  
as printed on page 574 of the House Journal on March 31, 2015.

**Duties:** Pursuant to House Rule 4902, the Select Investigating Committee may dismiss  
the complaint after inquiry or may set the matter for hearing. Any select committee  
meeting under authority of House Rule 4901 et seq. shall constitute an investigatory  
committee under Article 10 of Chapter 46 of the Kansas Statutes Annotated. Upon  
completing its hearings and the deliberations thereon, the Select Investigating Committee  
may dismiss the complaint or may make recommendations to the full House of  
Representatives for reprimand, censure or expulsion.

House Select Investigative Committee

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**House Action:** Pursuant to House Rule 4903, upon receiving any report by the Select Committee, the House of Representatives may, without further hearing or investigation, reprimand, censure or expel the member complained of. Such action requires a 2/3 majority vote of those members elected or appointed and qualified of the House of Representatives.

**Committee Members:**

Representative Erin Davis, Chairwoman

Representative Mark Kahrs

Representative Sharon Schwartz

Representative Tom Sawyer

Representative Barbara Ballard

Representative Brandon Whipple

**Committee Staff:**

Gordon Self, Office of Revisor of Statutes

Jill Wolters, Office of Revisor of Statutes

Norm Furse, Office of Revisor of Statutes

Raney Gilliland, Kansas Legislative Research Department

Donola Fairbanks, Committee Secretary

**Research and Practice Aids:**

States ⇐ 24 et seq., 47.  
C.J.S. States §§ 29 et seq., 67.

**Attorney General's Opinions:**

Surplus property and public airport authority act; members of authority; eligibility to simultaneously hold other public office. 79-304.

Executive; governor's duties for legislature; messages; special sessions; adjournment. 87-92.

**CASE ANNOTATIONS**

1. Purpose is to create vacancy upon acceptance of specified offices. *The State, ex rel., Watson, v. Cobb*, 2 K. 32, 57.

2. Disability refers to time the person chosen. (Dis-senting opinion.) *In re Gunn, Petitioner*, 50 K. 155, 267, 268, 32 P. 470.

3. Act taxing leased railway cars (79-906 et seq.) held valid. *Associated Rly. Equipment Owners v. Wilson*, 167 K. 608, 609, 614, 620, 208 P.2d 604.

4. Separation of powers doctrine inherent in Kansas constitution; legislators cannot hold executive offices. *State, ex rel., v. State Office Building Commission*, 185 K. 563, 568, 573, 345 P.2d 674.

**§ 6.**

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 52; eliminated by revision, L. 1974, ch. 458; Nov. 5, 1974.

**Revisor's Note:**

Section prohibited person convicted of embezzlement or misuse of public funds from holding seat in legislature.

**§ 7.**

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 52; eliminated by revision, L. 1974, ch. 458; Nov. 5, 1974.

**Revisor's Note:**

Section related to oaths of state officers.

**§ 8. Organization and sessions.** The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except

that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members.

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 52; L. 1974, ch. 458, § 1; Nov. 5, 1974.

**Revisor's Note:**

Regular sessions of legislature. Prior to 1974, see § 25 of this article. Originally annual sessions, see L. 1861, p. 54; changed to biennial in odd-numbered years, commencing in 1877, see L. 1875, ch. 140; budget sessions added in even-numbered years, commencing in 1956, see 1953 S.C.R. 1, *Journal of Senate*, 1953, p. 17; budget sessions eliminated and regular annual sessions established, see L. 1966, ch. 7, special session.

Prohibition against adjournment of either house without consent of other. Prior to 1974, see § 10 of this article.

Lieutenant governor as ex officio president of senate prior to 1972. See, *Kans. Const.*, art. 1, § 12.

**Cross References to Related Sections:**

Convening of regular sessions of legislature, see 46-142(c), (d), 46-157.

Governor may adjourn session in case of disagreement between houses, see *Kans. Const.*, art. 1, § 5.

**Research and Practice Aids:**

States ⇐ 24 et seq.  
Hatcher's Digest, *Legislature* §§ 5, 10 to 12.  
C.J.S. States § 29 et seq.

**Attorney General's Opinions:**

Joint committee on administrative rules and regulations; committee's authority to introduce legislation. 79-46.

Legislature; organization and sessions; extension of session. 86-52.

Bills introduced and not acted on during regular session in odd numbered year may not be carried over to special session. 87-92.

**CASE ANNOTATIONS**

1. Legislature may authorize senate to adjourn legally to later period. *The State, ex rel., v. Hillyer*, 2 K. 17, 29.

**ARTICLE 49. REPRIMAND, CENSURE OR EXPULSION OF MEMBERS****Rule 4901. Complaint.**

When any member of the House of Representatives desires to lodge a complaint against any other member of the House of Representatives, requesting that the member be reprimanded, censured or expelled for any misconduct, the complaining member shall file a written statement of such complaint with the chief clerk, and such complaint shall bear the signature of the complaining member.

**Rule 4902. Select Committee; Consideration of Complaint.**

(a) Whenever any complaint has been filed under Rule 4901, the Speaker shall appoint a select committee of six members for consideration thereof except that if the complaint is filed against the Speaker, the Speaker Pro Tem shall appoint the select committee of six members. A select committee created under this subsection (a) shall be comprised equally of majority and minority party members.

(b) The select committee may dismiss the complaint after the inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the member complained of at any hearing held hereunder. Any select committee meeting under authority of this section shall constitute an investigating committee under article 10 of chapter 46 of the Kansas Statutes Annotated and shall be authorized to meet and exercise compulsory process without any further authorization of any kind, subject, however, to limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated.

(c) Upon completing its hearing the deliberations thereon, the select committee may dismiss the complaint or may make recommendations to the full House of Representatives for reprimand, censure or expulsion.

**Rule 4903. Action by House.**

Upon receiving any report under Rule 4902, the House of Representatives may, without further hearing or investigation, reprimand, censure or expel the member complained of. Reprimand, censure or expulsion of a member shall require a 2/3 majority vote of those members elected (or appointed) and qualified of the House of Representatives.

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AFTERNOON SESSION

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

**MESSAGES FROM THE SENATE**

The Senate adopts the Conference Committee report to agree to disagree on **SB 228**, and has appointed Senators King, Longbine and Hensley as second conferees on the part of the Senate.

The Senate announced the appointment of Senator Francisco to replace Senator Kelly as a conferee on **HB 2149**.

The Senate announced the appointment of Senator Francisco to replace Senator Kelly as a conferee on **S Sub for HB 2225**.

The Senate accedes to the request of the House for a conference on **HB 2055** and has appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2106** and has appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2111** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2124** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2155** and has appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2159** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for Sub HB 2170** and has appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2256** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

**CHANGE OF CONFEREES**

Speaker Merrick announced the appointment of Reps. Brunk, Couture-Lovelady and Tietze as members of the conference committee on **S Sub for HB 2155** to replace Rep. Gico, Osterman and Lane.

**APPOINTMENT OF SELECT COMMITTEE**

Speaker Merrick, pursuant to House Rule 4902, appointed the following members to serve on a Select Investigative Committee in response to the complaint filed with House Clerk Susan Kannarr on March 23, 2015:

Rep. Davis, Chair; Reps. Kahrs, Schwartz, Sawyer, Ballard and Whipple.

A copy of the signed complaint has been given to Chairwoman Davis, who will proceed under the House Rule to convene the Committee and initiate its inquiry. Pursuant to House Rule 4902(b), the select committee shall constitute an investigating committee and shall have the powers thereof under Article 10 of chapter 46 of the Kansas Statutes Annotated.

MR. SPEAKER: An incident occurred in the House Education Committee on March 19, 2015. It was moved and seconded that **HB 2139** be passed. The chairman, Ron Highland, recognized Representative Valdenia Winn for discussion of the bill.

Representative Winn proceeded to use inflammatory language and inferences toward the committee or anyone who would support such a bill. After objection was raised, the representative stated her remarks were not personal in nature but also said if the "Shoe Fits." She continued with additional language that was offensive and reprehensible. The transcript of her comments is attached.

Pursuant to House Rule 4901, we the undersigned hereby desire to lodge a formal complaint. — RONALD L. HIGHLAND, TONY BARTON, CHARLES MACHEERS, WILLIE O. DOVE, JERRY LUNN, JOHN BRADFORD, MARC RHOADES, JOHN E. BARKER, DENNIS E. HEDKE

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, April 1, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*



## Chapter 46 Article 10 Sections 1-17

**46-1001. "Investigating committee" defined.** As used in this act, unless the context otherwise requires, "investigating committee" means any of the following:

(a) A standing, special or select committee of either the house of representatives or the senate, a joint committee of both houses of the legislature, or an authorized subcommittee of any such committee; or

(b) The legislative coordinating council, the legislative budget committee, the joint committee on special claims against the state, the joint committee on administrative rules and regulations, the legislative post audit committee, any special or select committee appointed by the legislative coordinating council, or any authorized subcommittee of any such committee or said council; or

(c) Any committee, commission or board created by the legislature by concurrent resolution or enactment when, as one or all of its duties, it is to perform an inquiry, study or investigation for the legislature, except that an advisory committee is not an investigating committee; or

(d) Any committee heretofore or hereafter created by law or resolution of either house of the legislature or by concurrent resolution, when all of the members of such committee, who are authorized to vote on actions of the committee, are legislators.

**46-1002. Same; when powers exercised; rules; minimum size of subcommittee; open or closed meetings; secrecy or publication of testimony.** An investigating committee may exercise its powers during sessions of the legislature, and also at or in connection with authorized meetings in the interim between sessions. Each investigating committee may adopt rules, not inconsistent with law or applicable rules of the legislature, governing its procedures, including the conduct of hearings. Whenever a subcommittee is exercising the powers of an investigating committee, such subcommittee shall be comprised of at least three (3) persons. An investigating committee may meet publicly or in executive session, and exercise powers of compulsory process in either. All or any part of testimony received by an investigating committee may be published or retained secret in accordance with the determination of such committee.

**46-1003. "Compulsory process" defined.** "Compulsory process" in regard to any investigating committee means any one or any combination of the following:

(a) Exercise of the power of subpoena or subpoena duces tecum;

(b) Administration of oath or affirmation;

(c) Taking of testimony under oath;

(d) Referral of any contempt of legislature for prosecution;

(e) Referral of any perjury for prosecution;

(f) Any other act related to any of the foregoing.

**46-1004. Investigating committees authorized to exercise compulsory process, when.** (a) The following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation at any time without further authorization:

The legislative coordinating council, the legislative budget committee, the standing committee on ways and means of the senate, the standing committee on appropriations of the house, the

legislative post audit committee or any committee which is specifically granted powers of compulsory process by legislative enactment or by concurrent resolution of the legislature or any authorized subcommittee of any such committee or the council.

(b) When the legislature is in session, or adjourned for not more than 30 days, the following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation:

(1) Any standing, special or select committee of the house of representatives, when authorized by the speaker; or

(2) Any standing, special or select committee of the senate, when authorized by the president.

(c) The following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation only when specifically authorized to do so by the legislative coordinating council:

(1) Any special or select committee appointed by the legislative coordinating council, except the legislative budget committee; or

(2) The joint committee on special claims against the state or the joint committee on administrative rules and regulations; or

(3) Any investigating committee as described in subsection (c) or subsection (d) of K.S.A. 46-1001 and amendments thereto when no specific statute or resolution of the legislature authorizes the exercise by such committee of compulsory process.

(d) The limitations of subsections (b) and (c) do not apply to subsection (a). The limitations of subsection (b) do not apply to subsection (c) and the limitations of subsection (c) do not apply to subsection (b).

**46-1005. Subject of inquiry or investigation; when authorized.** A subject of inquiry, study or investigation of an investigating committee is authorized when:

(a) The same concerns any bill or resolution or other matter referred to and under consideration by an investigating committee during any legislative session, or during an adjournment of not more than thirty (30) days, in accordance with either rules of the house of representatives or the senate or the joint rules of the senate and house of representatives; or

(b) The subject of inquiry, study or investigation has been specifically authorized by a resolution of the house of representatives or the senate, or by a concurrent resolution or enactment; or

(c) The subject of inquiry, study or investigation is within the statutorily prescribed purview of the investigating committee and by majority vote of all of the members of such investigating committee it designates by its resolution the specific inquiry, study or investigation; or

(d) The subject of inquiry, study or investigation has been specified by proposal adopted by the legislative coordinating council and referred to the investigating committee with authorization to exercise compulsory process, except that such authorization shall not be necessary for the committees or council specified in subsection (a) of K.S.A. 46-1004.

(e) In the case of a subcommittee of an investigating committee, the subject of inquiry, study or investigation has been delegated to such subcommittee by a resolution adopted by a majority vote of all the members of the investigating committee for which such subject of inquiry, study or investigation is authorized, except that no investigating committee that is a subcommittee shall have authority to exercise compulsory process when its parent committee could not.

**46-1006. Subpoenas; payment of witness fees and other expenses of compulsory process.** (a) Every investigating committee which is authorized to exercise compulsory process may, by majority vote of all of the members of such committee, issue subpoenas and subpoenas duces tecum with reference to any matter pertinent to any subject under inquiry, study or investigation by such committee.

(b) A person subpoenaed to attend a hearing of an investigating committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a district court. Such fees and allowances shall be paid from funds appropriated for the use of the investigating committee issuing the subpoena or from funds appropriated for legislative expense. Appropriations to the division of post audit may be used for payment of such fees and allowances or other expenses of compulsory process.

**46-1007. Administration of oaths and affirmations.** The chairperson or vice-chairperson of any investigating committee (or any member thereof so authorized by such committee) may administer oaths or affirmations for the purpose of receiving testimony.

**46-1008. Subpoenas; time of issuance; preparation and signing; service; contents.** (a) Service of a subpoena or subpoena duces tecum requiring the attendance of a person at a hearing of an investigating committee shall be made at least three (3) days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the investigating committee in a particular instance when, in their opinion, the giving of three (3) days notice is not practicable. Subpoenas and subpoenas duces tecum authorized to be issued under this section may be prepared and signed by the chairperson or vice-chairperson of the investigating committee or such other person as is designated by such committee. Selection of the person to serve the same shall be designated by such chairperson, vice-chairperson or such other person as is designated by such committee.

(b) Every subpoena or subpoena duces tecum issued under authority of this section shall cite article 10 of chapter 46 of Kansas Statutes Annotated and give general information in the subpoena, or by attachments thereto, of the subject under inquiry, study or investigation concerning which testimony is required.

**46-1009. Pertinency of questions; explanation thereof, when required.** Whenever a witness is testifying before an investigating committee which is exercising powers of compulsory process, and the witness questions the pertinency of a question he or she is required to answer or information he or she is required to supply, such witness shall be informed of the subject under inquiry, study or investigation and the connective reasoning whereby such question or requirement of information is pertinent thereto.

**46-1010. Information to witness of committee's authorization.** Whenever a witness is testifying before an investigating committee which is exercising powers of compulsory process, and the witness requests information concerning the manner in which the subject under inquiry, study or investigation has been authorized, such witness shall be informed of such authorization and such information may include reference to appropriate legislative documents or proceedings.

**46-1011. Record of testimony; filing and preservation of transcript; filing or determination of availability of documents.** Whenever testimony given under oath is received by an investigating committee, a verbatim record shall be made thereof by a certified shorthand reporter, and the



transcript of such record shall be filed with the division of legislative administrative services and be preserved for at least five (5) years. Whenever any document has been received by an investigating committee and included in the record by reference or otherwise, such document shall not be required to be filed with the transcript of the record as required by this section, if the investigating committee determines that the document will be reasonably available without such filing.

**46-1012. Counsel of witnesses.** Every witness required by compulsory process to testify before an investigating committee shall be entitled to receive the advice of, and be accompanied by, counsel of such witness's choice while giving such testimony. By leave of the chairperson or other person presiding over the investigating committee, such counsel may address such committee or cross examine any witness appearing before such committee.

**46-1013. Written statements of witness; receipt of documents; inclusion in record.** (a) Every witness required by compulsory process to testify before an investigating committee may file a preliminary written statement with such committee before giving testimony. Any such written statement shall be included in the record.

(b) When a witness required by compulsory process to testify before an investigating committee desires or is requested by such committee to file additional written testimony or documents with the committee after his or her appearance and oral testimony, such committee shall specify the matters which may be so filed, if any, and the time when such filing shall be made. Any statement permitted or required to be filed at the conclusion of a witness's testimony shall be verified upon oath or affirmation, and any document so filed shall be identified by affidavit stating the authenticity of such document. Any statement or document received under authority of this subsection shall be included in the record by the committee by reference or otherwise.

**46-1014. Contempt of legislature; class A misdemeanor.** (a) Contempt of legislature is:

(1) Willfully making default when summoned as a witness by subpoena or subpoena duces tecum issued by an investigating committee or either house of the legislature; or

(2) Willfully failing to produce books, papers, documents or other records when required to do so by an investigating committee or either house of the legislature; or

(3) Having appeared as required by a subpoena or subpoena duces tecum of an investigating committee or either house of the legislature, refusing to answer, under oath or affirmation, any question pertinent to the matter under inquiry.

(b) Contempt of legislature is a class A misdemeanor.

**46-1015. Accusations of perjury and contempt of legislature; referral to speaker of house of representatives or president of senate; prosecution by attorney general.** (a) Whenever a violation of K.S.A. 46-1014 or perjury is believed to have occurred in relation to the exercise by an investigating committee of compulsory process, upon a majority vote of all of the members of such investigating committee, such fact shall be referred to the speaker of the house of representatives or the president of the senate, except as is herein otherwise provided.

(b) Subject to subsection (c) of this section, whenever a violation of K.S.A. 46-1014 or perjury is believed to have occurred in relation to the exercise by an investigating committee of compulsory process, and such investigating committee is a subcommittee of an investigating committee, upon a majority vote of all of the members of such subcommittee, the fact of such violation shall be referred to

the parent investigating committee, and upon a majority vote of all of the members of such investigating committee, such fact shall be referred to the speaker of the house of representatives or the president of the senate.

(c) Whenever a violation of K.S.A. 46-1014 or perjury is believed to have occurred in relation to the exercise by an investigating committee of compulsory process, and such investigating committee is one to which subsections (c) or (d) of K.S.A. 46-1004 applies, upon a majority vote of all of the members of such investigating committee, such fact shall be referred to the legislative coordinating council, and upon an affirmative vote of five of the members of the legislative coordinating council, such fact shall be referred to the speaker of the house of representatives or the president of the senate.

(d) Whenever facts are referred under this section to the speaker of the house of representatives or the president of the senate, such officer shall certify such facts to the attorney general, and the attorney general shall prosecute any such violation in the district court.

**46-1016. Inherent legislative power not limited.** Nothing in this act shall limit the legislature or either house thereof in their inherent powers, nor limit powers or procedures for impeachment.

**46-1017. Severability.** If any word, phrase, sentence or provision of this act is determined to be invalid, such invalidity shall not affect the other provisions of this act and they shall be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

**Transcript from House Education Committee meeting  
Room 112-N on March 19, 2015**

**Discussion on HB2139 – Postsecondary education; tuition and fees for  
aliens. (Section of Committee Assistant recording beginning at 55:55)**

The Chairman opened the meeting to discussion on HB2139.

Representative Barker moved the bill be passed out favorably for action.  
Representative Bradford seconded the motion.

The Chairman opened the motion for discussion and acknowledged  
Representative Winn.

Representative Winn: Thank you, Mr. Chair. I have dreaded this day because this is a racist, sexist, fear-mongering bill that I would like first to apologize to the progressively-minded people of Kansas who are appalled that we are turning back the hands of time...um...regarding to, and I am going to use strong language, Jim Crow tactics, and once again making Kansas a laughingstock. I want to apologize to the students and their parents whose lives are being hijacked by the racist bigots who support this bill because this bill is not an act of

Representative Barker: Mr. Chairman, I object. She just referred to this committee as racist....

Representative Winn: I said supporters. I am not saying anything, but you know what, you can do anything you want, but I am going to say what I have to say because if...

Representative Barker: I object

Representative Winn: ....the shoe fits, if the shoe fits, it fits. But this is an example of institutional racism, not individual racist, institutional racism

House Select Investigative Committee

*June 26, 2015*

Attachment 4 1 of 2

because it deals with societal structural changes. Okay? It stifles growth. It stifles prosperity. It's targeted to an individual identified group of students, and I'll call it as I see it. You can deny it, but it's clear. It does not promote Kansas growth. It does not cost the, the, the state...these, these billions of dollars, I mean, if the students are not paying tuition then the dollars are not there. It is unfair to, to all students, but these students have, have done what the law asked them to do. Um...so there'll be, there'll be all kinds of...um... explanations for why it is the right thing to do, and I am telling you it is not. ...um...And that the structural application, the fact that it has worked for 10 years, the fact that it brings new tuition dollars, the 2.4 million, if the students aren't there, you're going to lose that money, but if you're going to lose it, you lose it. The most important thing is that you are stealing the lives and the futures of these students. You're going to...those will distort the truth because the courts have already upheld this. You may distort the truth by saying it is unfair to other students who they can come in for a year's residence and you're asking these students to have three years residency. The colleges and universities are not saying that there are seats being taken. They are actually supportive because they want a...a...a educated workforce. But...but...this bill is, is bad. It's racist. It's sexist. It promotes institutional racism. You don't know if one of these students could be the next person to cure, to find a cure for cancer. But you're going to stifle education in a time when we know education is so important to our state. So, I will....um...huh...not give you a lot more reasons, but I will proudly ...uh...vote against this bill and I will still apologize to the students whose lives are being hijacked after 10 years and to the progressively-minded people of Kansas who had to tolerate such bigotry. I do thank you, Mr. Chair.

State of Kansas  
House of Representatives

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ron.highland@house.ks.gov



Ron Highland, DVM, PhD  
Representative, 51st District

Committee Assignments  
Chair: Education  
Appropriations  
Taxation

May 20, 2015

The Honorable Erin Davis and Panel Members:

Ref: Testimony regarding complaint against Representative Valdenia Winn

As the Education Committee Chairman, I am responsible for overseeing the meetings we hold and making sure that the discussion flows smoothly. During the session, I reminded the Committee more than once how I expected them to behave toward conferees during hearings and toward each other during the working of bills. I expected respect and courteous behavior at all times in my Committee and they each were responsible to adhere to established rules in the Mason Manuel.

On the day of the incident, we were meeting as a Committee to discuss HB 2139. The bill, as written, would have eliminated in-state tuition for undocumented individuals. The bill was moved and seconded for passage out of Committee. Representative Winn was recognized for discussion of the bill.

Representative Winn was referring to notes of what she wanted to say during her comments. An objection was raised after she referred to anyone who would support such a bill was racist, sexist, bigots, and using Jim Crow tactics. At that point I had a choice to either ask her to stop, or to allow her to continue. Because the TV camera was recording the event and other recording devices were being used, I decided to not create a more inflammatory incident and allowed her to continue.

I will be the first to stand beside anyone who wishes to practice free speech. However, in this case, we are in a legislative environment where respect and decorum are the rules and expected. During the working of a bill, all comments are directed to the other members of the Committee. The audience is not a part of these proceedings. For that reason, the comments made were to be taken by the Committee members as directed toward them. That resulted in feelings of personal attacks without basis.

The inflammatory tone and words used during her speech were taken personally by several Members of the Committee. I have never ever been called any of the names she attributed to me and Committee Members. As a Legislator I treat every member of this body with respect due the

House Select Investigative Committee

June 26, 2015  
Attachment 5 182

position they hold, and debate with them without the use of emotions. The task we have as Legislators during our deliberations should be done in a manner that is conducive to either one of persuasion or compromise. I expect no less from my peers in the legislature.

As Chairman of the House Education Committee, it seemed to me that this year the Committee had worked well together. I had worked diligently to establish a cooperative working environment. Our Committee successfully worked out a system of going entirely with electronic files for information sharing and testimony. Assignments of Committee Members to further study issues and report back to the Committee were done in a cooperative and non-partisan manner.

It was very difficult for me to be in the position necessitating filing this complaint, especially since Representative Winn and I had experienced no issues in our working relationship up to this point. My fellow Committee Members were harmed, rules were violated, and the future Committee working relationship was in jeopardy.

Thank you for your consideration of my statement.



Ron Highland, DVM, PhD  
Chairman, Education Committee  
Kansas House of Representatives, District 51

On March 19, 2015 the Education Committee met to discuss HB2139, which proposed repealing tuition for illegal aliens. In the committee room but several days prior to that hearing, Representative Valdenia Winn told me that she was going to prove that the people who supported HB2139 were racists and bigots. She further stated that she was surprised that my name was on the bill. At that time I informed her that my support of HB2139 was based on the law. I was offended by her presumption of racism and bigotry.

During the ensuing hearing pertaining to this bill, Representative Winn pronounced that the sponsors of this bill were racists, bigots and sexists. She did not qualify her statement with any proof and even when an objection was made she continued her remarks.

I find Representative Winn's remarks reprehensible and slanderous. It concerns me that a member of the Kansas Legislature would make accusations of this nature. Additionally, her remarks during the hearing are in direct violation of the rules of decorum that govern behavior within committee hearings. As a senior legislator and minority leader within the committee, she knows better.

Words matter. In this lamentable climate of racial tension, the purposeful hurling of words like racist and bigot have consequences for both the accused and the accuser. I serve in a racially and economically diverse district. Some of my constituents will hear or read of this accusation and without further investigation, will believe the media reports, or at the least be disturbed by the controversy. Belief of these egregious accusations will spread. Representative Winn's unfounded accusations impact my family, my job as a Pastor, and my effectiveness in the 41<sup>st</sup> District. They impact my relationship with my constituents who have read, heard or seen the questioning of my character.

The complaint brought against Representative Winn is not a party issue; it is a rules issue. The rules of decorum govern the conduct of both political parties and call for mutual respect among legislators. Representative Winn surely is aware that accusations of this nature serve no purpose but to stifle debate and the necessary exchange of ideas. Instead of adding to the important debate regarding HB 2139 with substantive facts, Representative Winn resorted to the tactic of choosing her target, freezing, personalizing, and polarizing it. I was one of those targets.

I urge the House Select Investigating Committee to use wisdom and sound judgement in this hearing with the understanding that a lack of disciplinary action will set precedence for the tolerance of any future violations of this nature within the legislature.

Thank you and God bless,

Representative Tony Barton

House Select Investigative Committee

June 26, 2015  
Attachment 6

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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TOPEKA, KANSAS 66612  
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COMMITTEE ASSIGNMENTS  
EDUCATION  
FEDERAL & STATE AFFAIRS  
FINANCIAL INSTITUTIONS

**JOHN BRADFORD**  
40TH DISTRICT

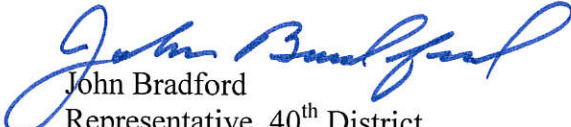
May 11, 2015

Representative Erin Davis  
Chair, Select Investigating Committee

This statement is offered in support of the complaint against Representative Valendia Winn (D-Kansas City) in accordance with Article 49 of the House Roles.

I was offended by the comments made by Representative Valendia Winn (D-Kansas City) during discussion of HB 2139 – Postsecondary education; tuition and fees for aliens, in the House Education Committee meeting on March 19, 2015. Representative Winn stated that “the students and their parents...lives are being hijacked by the racist bigots who support this bill”. Through this statement, Representative Winn implied that I, and any member of the House Education Committee who voted to pass the bill favorably for action, were racist bigots.

Her statement was offensive because it was designed to attack my character as a fair, impartial lawmaker. I am not racist, and I am offended by any insinuation that I am. Her statement was not only offensive, but could be viewed as threatening, by intimidating the other committee members into voting against the bill in order to avoid the label she was placing on supporters. Based upon the outcome of the vote, her tactic appeared to be effective.

  
John Bradford  
Representative, 40<sup>th</sup> District

House Select Investigative Committee

June 26, 2015

Attachment 7



State of Kansas  
House of Representatives

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johnbarker2012@yahoo.com



John E. Barker  
Representative, 70th District

COMMITTEE ASSIGNMENTS  
JUDICIARY, CHAIR  
RULES AND JOURNALS, CHAIR  
LEGISLATIVE POST AUDIT, CHAIR  
APPROPRIATIONS  
EDUCATION

May 27, 2015

Chairperson Erin Davis  
Select Investigating Committee

Dear Chairperson Davis:

The purpose of this letter is to recall the incident that occurred on March 19, 2015 in the Kansas House of Representatives Education Committee meeting.

On the above date, the committee chairman opened the discussion on HB2139. I moved the bill to be passed out favorably for action and Representative Bradford seconded my motion. Chairman Highland opened the motion for discussion and recognized Representative Winn. Representative Winn stated that the bill was racist, sexist, and a fear-mongering bill (for details, please see the transcript). I then objected to the chair because it was my belief that Representative Winn had referred to the committee as racist in an attempt to stop debate. Chairman Highland did not acknowledge my objection, and Representative Winn continued using disparaging language, such as Jim Crow tactics. She, in my opinion, was trying to stop debate on the bill. I again objected, but Representative Winn continued on her diatribe.

I felt that Representative Winn had violated the rules of the House and at the conclusion of the hearing reported my beliefs to Chairman Highland. I later signed a complaint, along with other members of the Education Committee, and submitted it to the Speaker of the House for appropriate action.

For further details, please see the transcript of the House Education Committee meeting, which is attached.

Sincerely,

  
John Barker  
Representative

House Select Investigative Committee

June 26, 2015

Attachment 8

State of Kansas  
House of Representatives

State Capitol  
Topeka, Kansas 66612  
(785) 296-7658  
willie.dove@house.ks.gov



P.O. Box 349-0349  
Bonner Springs, KS 66012  
williedove@sunflower.com

Willie O. Dove  
Representative, 38th District  
Majority Whip

June 21, 2015

I respect Rep. Valdinia Winn's commitment to public service, but her inflammatory statement and uncivil tone on March 19 in the Education Committee renders her unfit for its membership.

Debates over political philosophy and the direction for our great state to take are commonplace and welcome in this body. But all members have to respect each other's differences, political and otherwise, to maintain civil discourse.

While discussing HB 2139 Rep. Winn charged anyone supporting the measure was "a racist bigot". Repeating those hateful words several times in her remarks, Rep. Winn seemed intent on inflaming racial tensions among those in the committee room, including visitors observing the proceedings.

Her racially-charged rhetoric that day was beneath the dignity of this body, and an embarrassment to all Kansans. It must not be tolerated. For this committee to conduct the People's Business, all members must respect one another, regardless of politics.

Rep. Winn has violated that unspoken agreement among members. Her continued membership on this committee will be an unwanted distraction as we consider the great issues before us.

According to *Mason's Rules of Order*, Section 121, Paragraph 2, no person may indulge in personalities, impugn motives of members. These are the rules that the Kansas House of Representative abide by.

I recommend Rep. Winn be removed from the Education Committee at its earliest convenience.

A handwritten signature in blue ink, appearing to read "Willie Dove", written over a horizontal line.

Willie Dove, Majority Whip  
38th District

House Select Investigative Committee

June 26, 2015

Attachment 9

STATE OF KANSAS



TOPEKA  
HOUSE OF  
REPRESENTATIVES

June 25, 2015

**DENNIS E. HEDKE**

REPRESENTATIVE, 99TH DISTRICT  
1669 N. SAGEBRUSH STREET  
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email: dennis.hedke@house.ks.gov

COMMITTEE ASSIGNMENTS  
CHAIRMAN ENERGY AND ENVIRONMENT  
MEMBER EDUCATION  
TAXATION  
(JOINT COMMITTEE ON ENERGY &  
ENVIRONMENTAL POLICY)  
(SPECIAL COMMITTEE ON TAXATION)

Representative Erin Davis  
Chair, Investigating Committee on Education  
Kansas House of Representatives  
District 51  
27487 Wells Creek Rd.  
Wamego, KS 66547

RE: Representative Valdenia C. Winn  
Committee Behavior

Dear Chairperson Davis:

I was present during the committee bill activity that is the subject of this hearing. I have served in the Kansas Legislature for 5 years, and have never before witnessed this sort of outburst.

It was a truly unfortunate circumstance.

It is my understanding that this sort of conduct is considered a violation of rules governing conduct in a committee hearing or otherwise related activity. There are consequences to breaking rules and it would be my hope that appropriate action will be taken by the reviewing panel to dissuade any such future behavior by any member of the Kansas House of Representatives.

Thank you Madame Chair for affording me the opportunity to express my concerns.

Respectfully submitted,

Dennis Hedke  
Member, Committee on Education

House Select Investigative Committee

*June 26, 2015*

Attachment 10

JERRY LUNN  
REPRESENTATIVE, 28TH DISTRICT  
CAPITOL BUILDING  
300 SW 10TH  
TOPEKA, KANSAS 66612  
(785) 296-7675



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
APPROPRIATIONS  
EDUCATION  
TAXATION

Date: June 23, 2015

To: Representative Ron Highland  
House Education Committee Chairman

Re: Representative Winn Hearing

During a House Education Committee meeting on March 19, 2015 involving a discussion on HB2139 (Postsecondary education; tuition and fees for aliens) Representative Winn used strong and inflammatory language to describe the bill as "a racist, sexist, fear-mongering Bill" and suggested the use of "Jim Crow tactics" in her remarks. Representative Winn further remarked that she wanted to "apologize to the students and parents whose lives are being hijacked by the racist bigots who support this bill" and repeated charges of racism despite several attempts to object by Representative Barker.

To publicly impute the motives of fellow legislators in a committee meeting as being racist, sexist, and bigoted is offensive and reprehensible. Such language is vile, personally harmful, and violates committee rules for decorum. To continue to repeat these charges demonstrates a lack of respect for the legislative process and effectively stifled debate on this important issue.

I have served on the Education Committee (currently Vice Chair) for 3 years with Representative Winn. Prior to this incident, I have respected Representative Winn as a strong and forceful advocate for her positions while maintaining professional conduct. I understand how passion and frustration can build during the legislative process. Provided Representative Winn recognizes the gravity and inappropriate nature of her comments that warranted this hearing, I would not recommend further action.

Representative Jerry Lunn  
District 28

House Select Investigative Committee

*June 26, 2015*

Attachment 11

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

STATE CAPITOL  
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charles.macheers@house.ks.gov



21704 W. 57TH TERR.  
SHAWNEE, KANSAS 66218  
913-396-9662

CHARLES MACHEERS  
39TH DISTRICT

May 15, 2015

Re: Written testimony regarding complaint against Rep. Valdenia Winn for statements made during hearing on HB 2139, AN ACT concerning postsecondary education; relating to residency for purposes of tuition and fees.

Date: 2/24/2015

Chairman Davis and Panel Members of the Select Investigating Committee:

On February 24, 2015 the House Education Committee heard proponent and opponent testimony on HB 2139, which would repeal taxpayer subsidized tuition for illegal aliens in Kansas. K.S.A. 76-731a, had been signed into law by Governor Sebelius in 2004. The current state law makes illegal aliens eligible for in-state tuition rates at postsecondary schools under certain circumstances.

In proponent testimony the committee learned that K.S.A. 76-731a violates several federal immigration laws, including 8 U.S.C. § 1623 and 8 U.S.C. § 1601(6). The committee worked the bill on March 19, 2015. One of the first people to speak to the bill was Rep. Winn, who launched into a vitriolic screech, saying anyone who favored the bill was racist, sexist, fear mongering, bigots and used Jim Crow tactics, among other things. In a pause of the cascade of calumnies, Rep. Barker objected to her abusive comments more than once, but Rep. Winn kept going. The ad hominem attack had the effect of chilling the debate, and the committee later tabled the bill for a future date. A number of committee members were visibly shocked, mad and upset at being called racist bigots.

I found her comments absurd and offensive. The bill was about the amount of tuition a foreign national should pay at a postsecondary school. It was about bringing Kansas law into compliance with federal immigration law. It had nothing to do with ethnicity or gender.

In the legislature we debate a wide variety of very controversial subjects impacting our society, and to maintain the quality of debate, parliamentary procedures, Mason's Rules, House Rules and committee rules must be utilized. Appropriate decorum and civility must be maintained so each Representative can act according to his/her own conscience without distraction and without

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rancor. We expect vigorous debate and embrace it, but order must be maintained in the hearing room. We have rules that have governed debate for generations and that have been perfected over the centuries. Respect for other Representatives and adherence to these rules is essential.

Representative Winn has a reputation for utilizing these kinds of outbursts when she feels she needs to carry the day. Perhaps she only resorts to these types of ad hominem attacks when her side is losing a debate, but in any case, with her long experience in the legislature, and the high level of advanced education she has attained, she is more than able to communicate her points in a more respectful manner.

Her comments to her peers in the education committee were clearly out of order. She should at least acknowledge that her comments were out of order and a breach of parliamentary rules. An apology to her peers would also be in order.

I have seen many of my peers apologize for their comments. If Representative Winn can apologize to the committee, perhaps no further action is necessary, but if she refuses, Representative Winn deserves a reprimand.

Respectfully submitted

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CHILDREN'S CABINET AND TRUST FUND  
CAPITOL PRESERVATION COMMITTEE  
WYANDOTTE COUNTY DELEGATION

Testimony before the House Select Investigating Committee  
June 26, 2015

Good morning, Madam Chairperson Davis and members of the House Select Investigating Committee. My name is Dr. Valdenia C. Winn, State Representative, 34<sup>th</sup> District, Wyandotte County.

The purpose of a legislative committee meeting is to flush out concerns about the legislation before that committee.

On the floor, as well as in committee meetings, a legislator should express his or her views concerning the bill being considered.

Our democratic process has, as one of its cornerstones, the principle of FREE SPEECH, which is protected by the First Amendment to the Constitution of the United States of America and the Constitution of the State of Kansas.

A legislator's FREE SPEECH must be protected if our democratic process is to survive.

At times a legislator may use strong, powerful, perhaps even disturbing words, in describing what he or she perceives to be the consequences of a bill under debate for the people that he or she represents, and by extension all others within the State of Kansas.

During the March 19, 2015 meeting of the House Education Committee, I exercised my FREEDOM OF SPEECH, as protected by the First Amendment to the Constitution of the United States, and the Constitution of the State of Kansas.

Freedom of expression, in the legislative process, by members of the legislative branch, is a critical component of the lawmaking process.

It is not accidental that the First Amendment protects speech, even unpopular or abrasive speech, for without FREE SPEECH one IS NOT FREE.

House Select Investigative Committee

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In declaring my opposition to HB 2139, some may not have appreciated my words, many others did. I chose to tell the truth as I saw it, and I will continue to do so as long as I am given the great privilege of representing the people of the 34<sup>th</sup> District.

In conclusion, my words, during the March 19, 2015 House Education Committee hearings, regarding HB 2139, were not directed at any particular member of the House Education Committee. Rather they were intended to address, in general, supporters of a bill that I sincerely believed to be motivated by racist/bigoted attitudes, not by economic necessity or reasonable legislative purpose. I did not during the debate single out a fellow member.

The institutional racism that I was referring to addressed the manner in which our legislative branch of government and institutions of higher learning would have been perceived if **HB 2139 had passed**. Read my words in the transcript carefully; you will notice my concern for our students, colleges and universities. We are the home state of *Brown v. Board of Education*; as a PhD, and college history professor, protecting education is of great importance to me. Fortunately, HB 2139 was tabled.

Thank you.

Representative Valdenia C. Winn, PhD  
34<sup>th</sup> District  
Kansas City, Kansas