

Approved: 3-10-10  
Date

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 25, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Raj Goyle- excused  
Representative Marvin Kleeb- excused  
Representative Kevin Yoder- excused

Committee staff present:

Jason Long, Office of the Revisor of Statutes  
Matt Sterling, Office of the Revisor of Statutes  
Jill Wolters, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Senator Mary Pilcher-Cook  
Senator Tim Huelskamp  
Senator Dick Kelsey  
Greg Dye, Citizen, Wichita  
Benny Boman, Constitutional Historian, Wichita  
Paul Degener, Citizen, Wichita  
Larry Halloran, Wichita South Central Kansas 912 Group  
Shirley Koehn, Citizen, Wichita  
David Powell, Citizen, El Dorado

Others attending:

See attached list.

The hearing on **SCR 1615 - Urging congress and the President to respect the 10<sup>th</sup> amendment and refrain from passing laws intruding on states' rights** was opened.

Matt Sterling, from the Office of Revisor of Statutes, provided a brief overview of the resolution for the committee.

Senator Mary Pilcher-Cook addressed the committee in support of the resolution and explained it urges deference for state sovereignty, and emphasizes the duty of the federal government to recognize the limited nature of its own powers and makes a case for the state's protection of the liberty of its citizens. She further stated that the liberty of our Kansas citizens is being threatened and there are things going on at a Federal level that are a threat to our Kansas citizens. (Attachment 1)

Senator Tim Huelskamp spoke before the committee in support and stated this resolution sends a message to Washington they are not all powerful and the powers of government are divided between the federal government and the states and it is time for states to reclaim their constitutional authority to govern themselves in the areas not specifically delineated in the Constitution to be the province of the federal government. A couple areas he mentioned as examples were, 1) "Real ID Act" in which the federal government would prescribe certain standards for drivers licenses and identification and, 2) in the stimulus bill, the mention of "Race To the Top" whereby the federal government would mandate "National Assessment Standards" and the states would have to comply in order to receive certain funding. He believes this resolution will help more people become aware of the 10<sup>th</sup> Amendment and the proper balance of power. (Attachment 2)

Senator Dick Kelsey spoke as a proponent and stated the founding fathers of our country established a national government that was designed to be very limited in scope and power and that is why the 10<sup>th</sup> Amendment declares those powers not given to the national government are reserved for the states. He further stated we

## CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on February 25, 2010, in Room 346-S of the Capitol.

have moved seriously away from this principal and there is value in Kansas and other states to remind our federal leaders of this very important foundation of our government. ([Attachment 3](#))

Greg Dye, a concerned citizen from Wichita, spoke in favor of the bill because he believes federal agencies have been ignoring the limits placed on them by the Constitution and also taken powers that have not been delegated to them. ([Attachment 4](#))

Benny Boman, a citizen and Constitutional Historian from Wichita spoke as a proponent and explained that the States (colonies) existed many years before the Federal Convention and therefore the States created the Federal Government with restrictions on what it could do and not do. He stated when the Constitution was finalized and adopted by the Founding Fathers the criticism outside Constitution Hall was that certain rights of the States were not protected and therefore after the Constitution was ratified the first order of business for the new form of government was to pass the first Ten Amendments, known as the bill of rights. He also shared that going back in history, before the Constitutional Convention we were under the Articles of Confederation and Article II read: "Each State retains its sovereignty, freedom, and independence, and every power, Jurisdiction and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled." He said if you agree that the Federal government was created by the States, then it is only reasonable to tell the Federal Government to get back in the bounds set down by the Constitution. ([Attachment 5](#))

W. Paul Degener, a concerned citizen appeared before the committee in support of the resolution and quoted James Madison in 1788, "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." He provided each committee member with a pocket edition of the constitution and encourages all to carry it with them. He mentioned some of the agencies that have been established by the Federal Government that he believes are not listed in Article I, Section 8 or anywhere else in the Constitution, such as, Education, transportation, agriculture, energy, health and human services, housing and urban development, department of interior, environmental protection agency, national health care, federal reserve, and others. He stated it is up to the state legislatures and citizens to stop this crisis...if it is not already too late. ([Attachment 6](#))

Lawrence M. Halloran, spoke to the committee on behalf of his family and the membership of the Wichita-South Central KS 912 Group, in favor of the resolution. He believes we are in the midst of a Constitutional crisis because the federal government acts on issues that are beyond the limits of the authority invested in them by the Constitution. He stated administration, under both parties, have expanded government, kicked the can down the road on entitlement issues and spent us into oblivion and the unchecked expansion of government at every level threatens to make us each a ward of the state. He closed with stating this resolution will not resolve the problems of our nation, but it is the warning that free men must offer and asked the committee to pass this resolution. ([Attachment 7](#))

Shirley Koehn, Citizen from Wichita, spoke in support of the resolution and said she is a participant in grassroots groups dedicated to restoring fiscal responsibility through adherence to constitutional authority, but today she was speaking as a mother, grandmother, wife, retired business owner, entrepreneur, former teacher and grateful American. She shared that she never dreamed she would become a political activist but she is deeply concerned that our country is rapidly turning away from the principles which enable us to become the Land of Opportunity. She stated our US Constitution is an amazingly simple and functional document and an inspiration to the world, however, today, the federal government is running rampant over the States and pretty much ignoring the Constitution. Also, polls show trust in government is almost non-existent; power is the ultimate reason for corruption....our Founders knew that and built in check and balances and it is time to remind the Federal Government of that now by passing **SCR 1615**, the state sovereignty resolution. ([Attachment 8](#))

David Powell, President of David J. Powell and Associates, LLC, El Dorado, Kansas testified before the committee in support of the resolution based on his business knowledge of what is happening in the health and insurance industry and stated he is opposed to "Obamacare" and that the Federal government is trying every method they can to force their version of health care upon the citizens of the United States. He stated that the legislature and we as citizens need to fight to retain our states rights given us by the Constitution and the 10<sup>th</sup> Amendment. ([Attachment 9](#))

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on February 25, 2010, in Room 346-S of the Capitol.

Written testimony in support of the resolution was provided from Brandy Carter, on behalf of the Kansas Cattleman's Association. (Attachment 10)

Written testimony in opposition of the resolution was provided by Tyler Feeney, a Washburn University student. (Attachment 11)

The hearing on **SCR 1615** was closed.

The next meeting is scheduled for March 1, 2010.

The meeting was adjourned at 4:50 p.m.

# JUDICIARY COMMITTEE GUEST LIST

DATE: 2/25/10

NAME	REPRESENTING
DAVID J. POWELL	DAVID J. POWELL ASSOCIATES LLC
Diana Stone	Topeka 912 Project
Richard D. Fry	November Patriots
Breg Ward	Kansas Sovereignty Coalition
Johnny Vassella	Osage County We the People
PAUL DEGENER	SELF CONSCIOUS CITIZEN
JACK & CINDY SASSOMAN	" " "
DEB LUCIA	TOPEKA 912 PROJECT
Tori L. Dreyer	Topeka 912 Project
Sammy E. Peck	TOPEKA 912 PROJECT
Bob Eckhardt	Topeka 912 Project
Sylvia Chapman	Cewa
RONALD E. BRUSH	SELF
DAVID C. CARPENTER	912 vs. O.P.K.s
Richard Hayes	912 Project
JAMES COBLER	912 PROJECT
Bob Bowser	CCAGSS Resistnet.com Salina Tea Party Icaucus
Brenda Bowser	Resistnet CCAGSS - Salina Tea Party
Chris Tawney	Flint Hills T.E.A. Party - Self

# JUDICIARY COMMITTEE GUEST LIST

DATE: 25 FEB 2010

NAME	REPRESENTING
Sylda Nichols	Blint Hills TEA Party
CHUCK HENDERSON	FLINT HILLS TEA PARTY OF MANHATTAN KS
Hannah Sanders	Kansas Health Policy Authority
Joan Bassett	Topeka 9/12 Project
MARLENE JONES	4th District CAUCUS 9/12
Sandi Gilkert	" " " "
LAWRENCE HAZARDAN	WICHITA 9/12 GROUP
RONALD E. LONG	WICHITA 9/12 GROUP
Austin LaFreniere	Rep. Carl Holmes
Christina Blair	Political Chips / Marea P Cook
LESLIE SCHMIDT	POLITICAL CHIPS / Mary P. Cook
ALEX POULTER	Political Chips / Mary P Cook
Jim Kemper	Political Chips / Mary P. Cook
Don Gibbard	Political Chips / Mary P Cook
Sauren Kain	myself
Hyde Righard	Sen. P. Cook
Melissa Warr	Political Chips / KS SOU. group
STEPHEN T. MCGINNIS	Topeka 9-12 Project
Linda McGinnis	TOPEKA 9/12 / KS Sovereignty Coalition

# JUDICIARY COMMITTEE GUEST LIST

DATE: 25 FEB 2010

NAME	REPRESENTING
David Kirby	Political Chips / Mary Pilcher Cooke
Wendy Weissenbach	Lewenworth County / Mary Pilcher Cooke
John Bradford	Lewenworth County / Mary Pilcher Cooke
Jia Rui	Intern for Rep. Horst
Jennifer Light	intern for Rep Horst
MYRON HOLTER	<sup>www</sup> MY OWN Faith 2, COM
MARK JACOBS	MYSELF WICHITA
SHIRLEY KOEHN	MYSELF WICHITA
Clifford D. Krehon	Myself Wichita
JACK & LISA BLOW	OURSELVES
Kristen Grimmer	Sen. Derek Schmidt
Rita Shoup	Myself Wichita
Gordon Shoup	Myself Wichita
Alex Rausch	Intern

**MARY PILCHER COOK**

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TOPEKA  
 SENATE

Testimony by Senator Mary Pilcher Cook  
 House Judiciary Committee – **SCR 1615**  
 Thursday, January 15, 2010

Thank you for the hearing on this resolution, urging Congress and the President to respect the 10<sup>th</sup> amendment of the U.S. Constitution. It urges deference for state sovereignty, and emphasizes the duty of the federal government to recognize the limited nature of its own powers. It also makes a case for the state's protection of the liberty of its citizens.

Abraham Lincoln said that to truly understand the U.S. Constitution, the Declaration of Independence should be read first.

The foundation of our great country is that we hold certain truths to be self-evident, that all men are created equal, that we are endowed by our Creator with the right to life, liberty and the pursuit of happiness. Through the tenth amendment, it is the duty of the state to protect its citizens' liberty, and when the state does not protect its citizens' liberty – as in the days of the need for the Civil Rights Act – it was the obligation of the federal government to protect the liberty of the country's citizens.

In this case, at this time, with this President and some members of the U.S. Congress, it is instead the federal government encroaching upon the liberty of the states' citizens. Through the tenth amendment and state sovereignty, the state legislators who vote for this resolution would be resolving to protect the liberty of the citizens in the great state of Kansas.

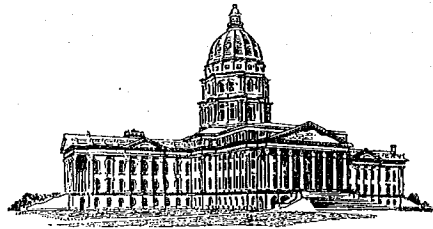
It is offensive and ludicrous on its face to make statements saying that this state sovereignty resolution "could very well include the repeal of the Civil Rights Act of 1964." Initially, I did not believe these types of comments would even be recognized because they were so preposterous. However, it has reminded me how distant some politicians are about the basis of our freedom in these United States, and how it is the first duty of elected officials to protect the liberty of its citizens.

So let this resolution be a cry, not only to the federal government and its leaders, but also to some of the elected leaders in this state who took an oath of office and swore to "support the Constitution of the United States and the Constitution of the State of Kansas...," So h

House Judiciary  
 Date 2-25-10  
 Attachment # 1

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State Capitol, Room 225-E  
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STATE OF KANSAS

Committee Assignments

Agriculture  
Education  
Information Technology, Chairman  
Local Government

Senator Tim Huelskamp, Ph.D.

Testimony by Senator Tim Huelskamp  
House Judiciary Committee – SCR 1615  
Thursday, February 25, 2010

Dear Chairman Kinzer and members of the House Judiciary Committee:

I am here today to encourage the passage of Senate Concurrent Resolution No. 1615, also known as the Kansas Sovereignty Resolution.

In the United States, the U.S. Constitution is the supreme law of the land. All of this law is applicable, not just the pieces and portions that politicians find convenient. For years, those in Washington have only selectively followed the Constitution, and one of their most egregious faults is their failure to adhere to the 10<sup>th</sup> Amendment.

The 10<sup>th</sup> Amendment states that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This resolution serves two very important purposes.

First and foremost, it sends the message to Washington that they are not all-powerful. This is a reminder to them that in our federalist system, the powers of government are divided between the federal government and the states. In essence, we are telling Washington to knock it off. It is time for states to reclaim their constitutional authority to govern themselves in the areas not specifically delineated in the Constitution to be the province of the federal government.

Secondly, but also importantly, this resolution will help educate the public about the 10<sup>th</sup> Amendment and what its proper role in our federalist system is. This portion of the Constitution has been undervalued for far too long, and the states and the people are reaping the consequences. The states have a proper role within the American political framework, just as the federal government does. The more people become aware of the 10<sup>th</sup> Amendment and the proper balance of power between the states and the federal government, the better the prospects for the future of our Republic.

With that, I urge your support of Senate Concurrent Resolution No. 1615.

Thank you for your time.

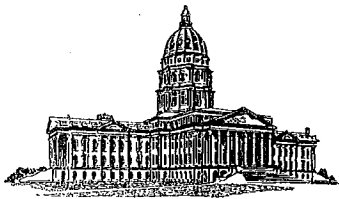
House Judiciary  
Date 2-25-10  
Attachment # 2



STATE OF KANSAS

DICK KELSEY  
STATE SENATOR, 26RD DISTRICT  
24047 W. MACARTHUR  
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
COMMERCE  
FINANCIAL INSTITUTIONS AND INSURANCE  
PUBLIC HEALTH AND WELFARE

Testimony SCR 1615

By Senator Dick Kelsey

House Judiciary Committee

February 25, 2010

The founding fathers of our country established a national government that was designed to be very limited in scope and power. This is why the 10<sup>th</sup> amendment declares that those powers not given to the national government are reserved for the states.

We have moved seriously away from this principle. I believe that there is value in Kansas and other states to remind our federal leaders of this very important foundation of our government.

I recommend passage of this resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Kelsey". The signature is fluid and cursive, written over the printed name "Senator Dick Kelsey".

Senator Dick Kelsey

House Judiciary

Date 2-25-10

Attachment # 3

House Judiciary Committee

Thank you chairman and committee members for allowing me to testify. My name is Greg Dye and I am a concerned citizen. Something has been happening that many people view with alarm. Federal agencies have been ignoring the limits placed on them by the Constitution. Federal agencies have also taken powers that have not been delegated to them and no open application has been made to the States.

Each sovereign state, as the principal under the constitutional compact, is supreme over its agencies. This legislation will help to put us back on the road to constitutional government. Our Elected representatives take an oath of office to obey and follow the Constitution. "Oath" according to The Webster's dictionary, is a legal moral obligation.

I believe that following the Constitution is a duty owed to the people. We the people are responsible for instructing state representatives.

Please pass this Legislation,

Thank you.

Concerned Citizen,



Greg Dye

## 10<sup>th</sup> AMENDMENT

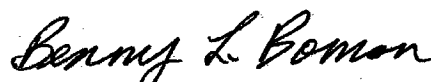
### TO WHOM IT MAY CONCERN

When the Constitution was finalized and adopted by the Founding Fathers the criticism outside Constitution Hall was that certain rights of the States were not protected. After the Constitution was ratified the first order of business for the new form of government was to pass the first Ten Amendments (known as the bill of rights).

Going back in History a moment before the Constitutional Convention we were under the Articles of Confederation.

Article II. Each State retains its sovereignty, freedom, and independence, and every power, Jurisdiction and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

It is worthy to note that the States (colonies) existed many years before the Federal Convention. Therefore the States created the Federal Government with restrictions on what it could and could not do. The 10<sup>th</sup> Amendment says "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people". If you agree that the Federal Government was created by the States then it is only reasonable to tell the Federal Government to get back in the bounds set down by the Constitution.



Benny L. Boman  
Constitutional Historian

House Judiciary

Date 2-25-10

Attachment # 5

W. Paul Degener  
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February 22, 2010

SUBJECT: SCR 1615, Declaration of States Sovereignty

Mr. Chairman and members of this committee, my name is Paul Degener and I appear before this body as concerned citizen in support Senate Concurrent Resolution 1615.

In my opinion, it is important to be familiar with Article I, Section 8 of the United States Constitution to fully appreciate the meaning of the Tenth Amendment.

In Federalist #45 written in 1788, James Madison wrote:

***“The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.”***

We find most of these well defined and limited powers in Article I, Section 8 of the Constitution. Everyone in government should be familiar with these well defined and limited powers, and as a minimum should carry with them at all times a pocket edition of the Constitution. This one I have fits nicely in a pocket or purse. And guess what, it is only 48 pages long.

Listed below are the agencies that have been established by the federal government that are **NOT** among those listed in Article I, Section 8 or anywhere else in the Constitution:

1. Education
2. Transportation
3. Agriculture
4. Energy
5. Health & Human Services
6. Housing and Urban Development
7. Department of the Interior
8. Environmental Protection Agency
9. National Health Care
10. The Federal Reserve

The foregoing list is not all inclusive.

House Judiciary  
Date 2-25-10  
Attachment # 6

It should be apparent that the federal government pays no attention to the Constitution and the same applies to state governments. The states are complicit in this by allowing themselves to be extorted by the federal government with promises of so-called federal dollars, and threats of with-holding those dollars if the states do not comply with their demands. That is extortion or bribery, any way you look at it. They are bribing us with our own money. It is not theirs to give, it is our money.

Just imagine, if the federal government were restricted to those powers delegated to them by the Constitution, how much of our tax dollars would be saved. We could probably raise state taxes and still be better off than we are now.

If we connect all of the dots, it is not difficult to see that we have powers in Washington from both parties whose main objective is to lead the United States into the New World Order. It is up to the state legislatures and the citizens to stop this crisis if it is not already too late.

Pass this resolution; it will be a start in the right direction for Kansas and the Republic. Let us join those other states who are taking similar actions.

I want to leave you with this quote from Thomas Jefferson:

The Works of Thomas Jefferson - Page 475

Thomas Jefferson, Paul Leicester Ford - United States - 1904

**In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ...**

Thank you for allowing me to appear before this body.

**W. (Paul) Degener**

Lawrence M. Halloran  
414 Rucker Ave.  
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316-777-9352  
[LarryHalloran@aol.com](mailto:LarryHalloran@aol.com)

**SUBJECT: Testimony on behalf of SCR 1615, Declaration of States Sovereignty**

Mr. Chairman and members of the committee, my name is Lawrence Halloran and I appreciate the opportunity to testify today in support of Senate Concurrent Resolution 1615, on behalf of my family, and the membership of the Wichita - South Central KS 912 Group.

Today, we are in the midst of a Constitutional crisis; not between the branches of government, but between the government and us, "We the People". It is apparent that those we have elected have lost their faith and confidence in us. Why else would they fail to ask us for the authority to act on issues that are beyond the limits of the authority vested in them by the constitution?

Administration under both parties have expanded government, kicked the can down the road on entitlement issues, and spent us into oblivion. They have assumed, incorrectly, that they know best, and failed to seek our advice and recorded consent for the authority to act on our behalf. We have condoned and legitimized, (at least in their minds) their unconstitutional actions through our silence. If our grandchildren were old enough to understand the hardship headed their way, they would tar and feather us all, and, rightfully so.

As the grandfather of a special needs child with \$823 dollars left in savings, I am attuned to the financial burden that many families face. However, the burden is our responsibility to bare, not governments. The assistance of our neighbors should be voluntary and only within the means they can afford. The difference between neighbors and government is simple. What neighbors give from the heart is for keeps. What is allotted by government will always be subject to revocation.

Today, the unchecked expansion of government at every level threatens to make each of us wards of the state. The increasing tax (directly or indirectly) on our earnings without our consent threatens our ability to meet the basic needs of our families. When government can no longer afford its wards, it will expunge them as it would the Constitution.

I am just a day laborer in this great American experiment, and I trust in our founders' judgment that we should have educated and wise men at the helm of leadership. However, our leaders should at least share our belief in the common principles and values of the natural laws that are cornerstones of our founding and governing documents. These documents secure our rights to the benefits of our labors and to provide for our families.

House Judiciary

Date 2-25-10

Attachment # 7

Our first responsibility is to them, beyond which, we have a moral responsibility to help our neighbors with what is left over.

It is time to defend the most important document ever drafted; the Constitution of the United States of America. It is time to rely on its simple language to guide us. It is time to bring our common problems closer to home where we can more efficiently manage their resolution. It is time to again teach personal responsibility, and understand that our greatest strength is individual achievement. It is time to put away the wishful dreams of a perfect world and simply live in the one we have. It is time to acknowledge that life is not fair, and that no amount of human effort will ever make it fair. It is just life, and we are committed to living it until relieved of it

Failure is not an option. We need not travel the destructive path of histories despots. SCR 1615 alone will not resolve the problems of our nation, but it is the warning that free men must offer. Stand with us and pass this resolution.

Thank you for allowing me to appear before this body.

Thank you Chairman Kinzer, and Committee members for hearing me today. My name is Shirley Koehn. I speak in favor of SCR 1615 sovereignty resolution. I am a participant in grassroots groups dedicated to restoring fiscal responsibility through adherence to constitutional authority, but today I speak as grandmother, mother, wife, retired business owner, entrepreneur, former teacher and grateful American. When we retired in 2006, I never dreamed I would become a political activist. But, I am deeply concerned that our country is rapidly turning away from the principles which enabled us to become the Land of Opportunity.

Our U S Constitution is an amazingly simple and an amazingly functional document, an inspiration to the world. We are an example that it is possible to build a prosperous nation, to honor individual rights and promise, to allow people to thrive, sometimes to fail and start again; to blend people from many backgrounds & many countries into a productive society. We created, invented, and worked hard. We blossomed. But we became complacent. We forgot the Founders' admonition to be wary, that freedom takes nurturing and constant vigilance. Today, the Federal Government is running rampant over the States and pretty much ignoring the Constitution. Polls show trust in government is almost non-existent. Power is the ultimate corruptor. Our Founders knew that and built in check and balances.

Some people say our Constitution is a "fluid" document, open to changing interpretation. The U S Constitution is a contract. A contract is what you go back to when there is a difference of opinion. It can be changed only when all parties agree, that is, by an Amendment; written, agreed & ratified as set down in the Constitution, not by just changing the rules and hoping no one will notice.

Our Founders had the inspiration and the wisdom to put an amazing roadmap to freedom down in words an ordinary citizen can understand. That is perhaps our Constitution's most inspired attribute. We can read and understand it. Our



Constitution is not thousands of pages, which would be incomprehensible, open to all kinds of interpretations. Our Constitution is short, simple, brilliant and undeniable.

The very structure of ratification by the States is evidence that the Federal Government is subject to the States and to the People. The 10<sup>th</sup> amendment, states clearly that the Government of the UNITED STATES has ONLY the powers and duties enumerated in the Constitution.

Today our individual States must strongly remind the Federal Government that it derives its powers **from** the States and the people, NOT the other way around. The Federal Government has become the bully on the playground. The tipping point is now.

I urge you to pass SCR 1615, the state sovereignty resolution.

Thank You

February 25, 2010 "Kansas Health Care Freedom Amendment" Testimony  
and SCR 1615.

David J. Powell, CLU, ChFC, CFP, RHU  
President, David J. Powell & Associates, LLC  
El Dorado, Kansas

I have 33 years experience in the insurance industry, the past 26 years specializing in health insurance being sold in the state of Kansas. My agency works with insurance consumers and insurance agents throughout Kansas helping them cover their health care needs.

**Position:** Proponent of this proposed legislation

Representative Kinzer and members of the House Judiciary Committee:

Thank you for the opportunity to address this group. **I support this amendment.**

**I oppose Obamacare! There are many flaws with the proposals. The congressional bills are not about improving health care!**

The current administration in Washington is trying every method they can to force their version of Health care reform upon the citizens of the United States. With this legislation Kansas joins 34 other states considering State Constitutional changes to blunt their actions, obvious and not so obvious.

I want to make the point that not only must you, our legislative representatives, be vigil, but we must insist that our representatives in Congress be on guard as well.

House Judiciary

Date 2-25-10

Attachment # 9

This bill is not about lowering the cost of health insurance. It does nothing to reduce the underlying costs of health care. This is something that we, the citizens of Kansas, along with you, our legislators, can address within our borders.

It is the intent of the party in power to force this upon us one way or another. It is up to you and us as citizens to fight to retain our states rights given us by the Constitution and the 10<sup>th</sup> amendment.

We must continue to demand smaller government, both federal and state, so that we can get back to the principals that this nation was founded upon.

Kansas is the heart of this land of opportunity and needs to follow the lead set by Arizona, a state that passed a similar bill on June 22, 2009, putting a constitutional amendment on their ballot for November 2010 “that guarantees that individuals and businesses can offer – and providers can accept- direct payment for health care services without facing penalties or fines.” A few weeks ago, Utah added there state to the growing list ready to put a constitutional amendment like ours on the ballot.

The Congress needs to stay out of areas of government not expressly granted to them by the Constitution!

Ladies and Gentlemen, if Kansas and our economy are to grow, we must fight Obamacare!

We, in Kansas, should be free to work on our own Health Care reform that is best for our citizens. I believe we, the people of Kansas, have enough common sense to find real solutions to reducing the costs in health care, while helping our citizens find the insurance coverage they want and need.

I support this resolution. I oppose Obamacare!

Thank you. God bless Kansas and God bless America.

February 25 House Judiciary Committee Supplemental testimony

Chairman and members of the committee.

Thank you for allowing me to testify.

I am here in support of this bill.

After listening to a presentation yesterday by Dave Trabert of the Kansas Policy Institute, I decided to change my testimony. You have my original remarks and I am adding this to it.

Kansas does not need to raise taxes to balance our budget. We need to cut spending. Our government here and in Washington needs to become more efficient!

The proof is in the pudding!! Following the Institute recommendation of looking at ways to become more efficient, the DERBY school district has REDUCED their budget by more than \$1,000,000. NO LOSS of services! IMPROVED educational outcomes for their students! And \$1,000,000 in taxpayer money savings! You need to REQUIRE our other districts to do the same thing!

As an insurance agent working with more than 750 agents around the state and thousands of individuals and groups on their health insurance over the past 33 years, I am very familiar with what the citizens of our state need.

I can say, unequivocally that IT IS NOT OBAMACARE!

We, that is you, our legislators, need to send a strong message NOW that Kansas does not want this. We can not wait and bury our heads in the sand to see what they are going to do to us! And they WILL do something to us that is not good for our citizens!

At the same time, YOU, our representatives in Topeka need to get out of the rut of no action. You need to take steps to help Kansans improve their insurance programs. There are many good bills gathering dust in committees that NEED ACTION NOW. HB 2289, the "Mandate Lite" bill heard last year, receiving testimony in favor of releasing to the floor for full debate by 9 to 0, still sits in committee. Estimates are savings as much as 30% could be seen as a result of passage. Why no action?

Currently the "Most Favored Nation" bill SB 136 needs to move forward. This provision has been outlawed in many other states. IT is from the STONE AGES when a last resort carrier was thought to be needed, It is not needed TODAY. This bill would allow small insurance companies to come into Kansas and compete, helping to lower our rates. But no action is being taken.

There are many other bills that could help as well. I have attached several for your review.

The point is very simple. WE CAN HELP OURSELVES. It doesn't take massive state or federal spending or a Federal takeover of our health insurance system to lower our insurance costs.

Show our Kansas backbone. Send the message to Washington to STAY OUT OF OUR BUSINESS. The lord helps those that help themselves.

Let's begin helping ourselves. The 10<sup>th</sup> amendment and state sovereignty must be maintained. DON'T WAIT AND SEE. MOVE THIS FORWARD TODAY.

Thank you,

God bless Kansas and God Bless America

**New Section 1. K.S.A. 40-4610 is hereby added to read as follows:**

40-4610. No provider shall vary the payment amount that the provider accepts as full payment for a health care service based upon the identity of the health insurer, upon a contractual relationship with a health insurer, upon the identity of the insured, or upon whether the insured has coverage through a health benefit plan.

THIS BILL ALONE COULD CUT PREMIUMS BY 30 – 40%, INCREASE COMPETITION IN KANSAS AND BE AN INSTANT SOLUTION TO TRANSPARENCY IN MEDICAL COSTS!

It does **not** tell a provider what they can charge (they will be reasonable because THEY must compete), it just says they won't have 10 different fee schedules for the same service!!!

**New Section 1. K.S.A. 40-4611 is hereby added to read as follows:**

**40-4611. (A) (1)**The Kansas Insurance Commissioner is hereby directed to develop a single universal uniform health insurance application to be used by all **small group** accident and sickness insurer's transacting business in the state of Kansas.

**(1)** The Kansas Insurance Commission is hereby directed to develop a single universal uniform **individual** health insurance application to be used by all accident and sickness insurer's transacting business in the state of Kansas.

- a. The universal applications shall contain core information universally required by all accident and sickness insurer's, including identification of insured individual information, address, phone number, dates of birth of all to be considered for insurance and any other identifying information as may be required.
- b. The universal applications shall contain uniform underwriting questions that shall be deemed as acceptable and shall be all that is necessary for all insurer's to underwrite new applications for accident and health insurance.
  - i. Insurers will be allowed to use additional details clarification questionnaires for specified illness or injury as developed by the Insurance Commissioner for additional clarification and details on specific answers.
  - ii. The look back period on these questionnaires will be limited to 10 years.



- (2) All accident and sickness insurer's will use the uniform health insurance applications with clarification questionnaires as the decision making tool in determining the acceptability and rating of an application for health insurance coverage.
  - a. Additional outside sources such as MIB and DMV reports may still be used in determining acceptability.
- (3) The Kansas Insurance Commissioner may use any resources at the Commissioner's disposal to develop these universal uniform applications, however, if a committee of carriers is formed to help in the development, the Commission must seek and include all carrier input, from both large and small carriers, into the final document design. The final design must be a have majority consensus of acceptable language and needed underwriting information to be contained within the forms.
- (4) The Kansas Insurance Commissions will determine the maximum look back period for any and all health related questions for all carriers to use going forward in their underwriting process.
- (5) The Kansas Insurance Commissioner will submit to the Kansas House and Senate joint oversight committee, the completed Small Group and Individual Health Insurance applications for final review and acceptance no later than November 1, 2009. Upon acceptance by the review committee, the new forms will become the forms of required usage by all accident and sickness insurers on January 1, 2010.

The office of the Kansas Insurance Commissioner shall promulgate such laws and regulations as are necessary to carry out the intent of this act.

This will help EVERY business in our state that wants to LOOK at other insurance choices. They will be able to do so without having their employees fill out five different sets of applications for 5 different insurance carriers! Kansas is already doing this with property insurance using the ACORD application!!



Kansas Cattlemen's Association  
606 N. Washington St.  
Junction City, KS 66441

House Judiciary Committee  
Kansas State Capitol  
300 SW 10<sup>th</sup> St. Room 346-S  
Topeka, KS 66612

Chairman Kinzer and Members of the Committee:

My name is Brandy Carter, and I am the Executive Director of the Kansas Cattlemen's Association. KCA supports Senate Concurrent Resolution 1615.

The 10th amendment states "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This was ratified in 1791 as part of the Bill of Rights. Our founding fathers placed this in the Constitution to protect the individual states and its people from an overreaching federal government.

As Representative Tom Rooney of Florida recently said to his congressional colleagues, "We are a country founded on individual rights and freedoms, and our Constitution was written expressly to protect those freedoms. ...The Constitution is a tremendously important document that helps define us as a nation and the people of the United States of America. Our Constitution is the basic rule of law that defines the freedoms our forefathers fought for and generations have died for. As citizens we are all tasked with protecting our Constitution."

Our constitution has limited the power of the federal government. Yet, the federal government's hold on us has grown at the expense of the individual states and you and me as U.S. citizens. I encourage you to vote in favor of this resolution and honor your oath as a legislator, to uphold the Constitution of the United States of America.

Sincerely,

*Brandy Carter*

Kansas Cattlemen's Association

House Judiciary

Date 2-25-10

Attachment # 10

**Kansas Cattlemen's Association**

606 N. Washington • Junction City, KS 66441 • Phone: 785-238-1483 • Fax

02/25/2010

House Judiciary Committee  
300 SW 10th St, Room 346-S  
Topeka, KS 66612

Re: SCR 1615

Dear Honorable Members of the House Judiciary Committee,

My name is Tyler Feeney, I am a student at Washburn University School of Law. I am a graduate of Kansas State University and a life-long Kansas resident. I wish I could have been here today to testify in person, but I have a class at 4:00 pm and it would have been cutting it a little close. Let me start my written testimony with a disclaimer: I believe in the 10th Amendment of the U.S. Constitution. I believe in States' rights. I am a Republican. I enjoy watching Fox News once in a while. I do think that the Feds wield too much power. They are able to do this partially because they have an ability that Kansas only wishes it had: the power to print money whenever they want it, courtesy of the corrupt Federal Reserve.

That being said, this bill is a **disgusting waste of time**. It is a cheap stunt for votes and publicity. Considering Kansas is facing down a projected \$416 million dollar shortfall for the next fiscal year, a reasonable citizen might assume that his or her legislators would be working vigorously on solutions to the problem. That reasonable citizen is dead wrong. Instead, some legislators are simply hamming it up for the Fox News fans (and other assorted local loonies) so they can go back to their districts and triumphantly declare that "we sure showed Obama a thing or two today! Don't forget: Kansas still has its sovereignty!" And the dirt-cheap votes roll in.

Bad news, folks. First off, the President doesn't care what some right-wing extremists in the Kansas Legislature think (not that there's anything wrong with being a right-wing extremist, I've been accused of being one myself!). Second, I predict that this bill will backfire on its authors and supporters, because it isn't addressing the 800 pound gorilla which is the \$416 million dollar shortfall. Here are two ways to battle that gorilla: we could legalize, tax and regulate marijuana just like we do tobacco and alcohol. We could end the long standing corporate welfare program in Kansas. What do these two ideas have in common? **THEY CREATE REVENUE**. You know, money? So we can balance the budget? Anybody out there?

Obviously not. Because the supporters of this bill obviously care more about cheap and easy votes than about addressing real solutions. Real solutions are not cheap or easy. Real solutions might earn you some criticism from your constituents...or the corporate fat cats...or big, bad House Speaker Mike O'Neal. And you know what that means: he'll use House Rule 1102 and take away your committee membership. I think this bill should have come with a fiscal note: a note detailing how much our representatives were paid to waste voters' time with this stupid bill. Here's a postcard from reality, folks: voters are very, very, very angry right now. Stunts like this bill used to work. I think those days are coming to an end.

Tyler Feeney  
P.O. Box 101  
Topeka, KS 66601

House Judiciary  
Date 2-25-10  
Attachment # 11