

In reversal, committee puts Brownback KDOT sweeps back into budget

House committee took out more than \$280 million in transfers last week

Posted: [February 16, 2015 - 11:59am](#)

By [Jonathan Shorman](#)

jonathan.shorman@cjonline.com

A House committee that had rejected Gov. Sam Brownback's plan to take millions from the Kansas Department of Transportation stood down Monday.

What had at first been a legislative rebuke of the governor is now a small victory, as lawmakers grapple with how to budget while facing a massive revenue shortfall.

The House Transportation and Public Safety Budget Committee voted to reverse itself during a quick meeting held not in a committee room but along the rotunda rail after the House's session.

In January, Brownback recommended KDOT surrender \$140 million in the upcoming fiscal year and another \$140 million in the 2017 fiscal year. The plan calls for a greater percentage of highway projects to be financed under the governor's plan by raising the state's statutory cap on transportation bond debt.

On Thursday, the committee agreed to take out the \$280 million in transfers from the proposed budget. No one opposed the motion made by Rep. Russell Jennings, R-Lakin. Chairman Rep. J.R. Claeys, R-Salina, said after Monday's meeting more study is needed on what impact removing the sweeps would have on the budget as a whole.

"It's important that we bring all the parties together and come up with a solution that fits within the budget and this action. While I appreciate Rep. Jennings' motion and the discussion it created, it's simply too much, too quickly, too soon," Claeys said.

On Thursday, Jennings argued \$2.1 billion had been withdrawn from KDOT since 2010 to cover basic government operations, and continued raids on the department's revenue stream would force the state to take on greater debt or compromise project schedules.

Under the original proposal, in fiscal year 2016 \$116 million from KDOT would have been moved to the general treasury, \$20 million for bonds on the Capitol renovation and \$4 million to help subsidize ticket prices at Wichita's airport. Similar shifts would have taken place in fiscal year 2017 also.

KDOT Secretary Mike King said last week in an interview that the agency remained committed to the governor's budget.

Jennings said Monday he wasn't surprised with the reversal.

"We've used up all of the borrowing that's available, basically, and we're being asked essentially to use borrowed money on debt — capital improvement, \$20 million. That's like a credit card on a credit card," Jennings said.

Jennings said despite the committee undoing his motion, the episode had caused more discussion of the challenges facing the state.

Claeys said the meeting was held outside the House chamber, instead of in a committee room, because he needed to attend another committee later in the day.

Editorial: Student programs should be protected

Posted: [February 16, 2015 - 7:44pm](#)

By **The Capital-Journal**

Topeka Unified School District 501 has responded to an \$822,933 reduction in state funding over the next four months with spending reductions that, among other things, will cancel summer school programs — with the exception of high school credit recovery programs — paid through the district's general fund.

Granted, the district was forced to react on short notice to the loss of revenue, but surely summer school programs important to the students they serve could be retained through efficiencies elsewhere in the district's budget.

In announcing the cutbacks, USD 501 superintendent Julie Ford said district officials would identify operational savings within its general fund expenditures for the remainder of the fiscal year.

When The Topeka Capital-Journal last checked, USD 501 was paying more than \$7.5 million annually to administrative personnel and nonteaching staff members. As the district expects to face additional funding reductions in the coming fiscal year, that cost might be a good place to look for efficiencies in difficult financial times.

Now also might be a good time for USD 501 and neighboring districts to take seriously suggestions that they find ways to shave costs by cooperating on common expenditures, such as purchasing and payroll.

Cutting programs for students should be the last option.

Ford's announced efficiencies for the next four months included a partial hiring freeze, postponing implementation of a middle school athletic program and suspending field trips paid through the general fund, equipment and vehicle replacement, and textbook purchase and replacement. USD 501 also has plans to reduce the money available to schools to purchase supplies and suspend out-of-district travel and professional development paid through the general fund and Title 1.

Ford also noted the Legislature hasn't yet begun drafting the state's budget for the fiscal year that begins July 1 and said that document could prompt even more funding cuts for Topeka Public Schools.

Given school funding issues at play in the Legislature and the courts, it probably will be some time before a sense of orderliness returns to school funding in Kansas.

Between now and then, administrative cost savings and efficiencies to be found in cost sharing should be fully explored before programs for students are dropped.

USD 501 announces cuts to summer school, field trips in response to funding loss

Letter signed by superintendent Julie Ford was posted Friday

Posted: [February 13, 2015 - 10:06pm](#)

By [Samantha Foster](#)

samantha.foster@ejonline.com

Topeka Unified School District 501 on Friday announced a series of actions including cuts to summer school and canceling field trips to reduce spending in response to a mid-school year budget cut ordered by Gov. Sam Brownback.

A letter directed to USD 501 parents and staff and signed by superintendent Julie Ford was posted to the district's Facebook page. In the notice, Ford stated Topeka schools would lose \$822,933 during the next four months because of the mandated cuts.

Ford said the district will immediately implement a partial hiring freeze for the remainder of the fiscal year; postpone implementation of its middle school athletic program; cancel summer school programs paid for through the district's general fund, with the exception of high school credit recovery programs; suspend its equipment and vehicle replacement plan and its textbook purchase and replacement plan for the fiscal year; and suspend all field trips paid for through the general fund.

The planned cuts were announced more than one week after Brownback issued an executive order to withhold \$44.5 million in state appropriations to K-12 schools and public universities in an effort to balance the state's massive budget shortfall.

Ford's letter also hinted at a possibility of further cuts dependent on the outcome of legislation still in the works.

"We are following Senate Bill 71, which could impose more cuts this school year," Ford wrote. "We continue to be concerned about this because of its impact on equalization and weighted funding which supports bilingual education, special education, Parent's (sic) as Teachers, At Risk and Kansas Preschool. The bill would mean Topeka Public Schools would lose an additional \$897,000."

Ford said USD 501 also received notification that its capital outlay payment of \$2.2 million from the state would be delayed from this month perhaps until June, which she said would create further challenges in providing for maintenance and upkeep of the district's facilities.

In addition to the planned cutbacks already listed, USD 501 also plans to:

- Reduce second-half distribution to schools for supplies.
- Suspend out-of-district travel and professional development paid through the general fund and Title 1
- Identify operational savings within its general fund expenditures for the remainder of the fiscal year.

In closing the letter, Ford stressed that the state's revenue crisis would continue to create challenges.

"It is important to remember that the legislature has not yet begun to work on the 2015-2016 state budget, which could result in even more funding cuts for Topeka Public Schools," she warned.

Water policy reform awash in tension over state fees

House bill seeks fee hike of 10 cents on 1K gallons of retail water sales

Posted: [February 16, 2015 - 12:37pm](#)

By [Tim Carpenter](#)

timothy.carpenter@ejonline.com

Anxiety among agricultural and residential water interests poured forth Monday during a House committee meeting to explore strategies for delivery of an affordable, clean and adequate supply to all Kansas consumers.

Debate is clouded by controversy about fees paid to support the Kansas Water Plan and, more significantly, action in each of the past six years by legislators and governors to sweep \$6 million from the fund to pay general expenditures of state government.

Another consideration: 85 percent of water consumed in Kansas goes to irrigation of crops. The economics of irrigation are profound. In 2013, irrigated corn fields in southwest Kansas averaged 202 bushels per acre. Dry land corn fields averaged 24 bushels an acre.

Meanwhile, Gov. Sam Brownback's administration is on the second draft of a 50-year report on water resource management. After one year of work, administration officials intend to convene a blue-ribbon panel later this year to develop a method of financing the governor's water vision.

Rep. Tom Sloan, a Lawrence Republican and chair of the House 2020 Committee, said the state couldn't afford to wait for recommendations from the governor that might not surface until 2016 in the midst of an election year. If lawmakers do respond with reform of state water policy, he said, those changes wouldn't likely be implemented until 2017.

"How much longer do we put off investing in our water?" Sloan said.

Sloan introduced a bill that would raise the state fee by 10 cents on every 1,000 gallons of treated water sold at retail. The current fee is 3 cents per 1,000 gallons. The rural water district serving Sloan's home between Lawrence and Topeka currently charges \$7.20 for that quantity of water.

The legislation would allow for greater spending on water data collection, compliance with federal and state clean water laws or regulations, and for maintenance of drinking water supplies in reservoirs, lakes and rivers.

Aaron Popelka, a lobbyist with the Kansas Livestock Association, said the organization felt it premature to escalate fees dedicated to water planning. The governor's task force should be allowed to complete its work, Popelka said.

He said livestock producers want guarantees fee revenue is clearly earmarked for projects beneficial to the cattle industry. The practice of lawmakers diverting money collected for the Kansas Water Plan needs to stop before new fees are imposed, he said.

"At this time," Popelka said, "KLA would be hesitant to support a fee increase in either the stockwater or municipal water fees if the fees continue to be swept to balance the state general fund."

Residential customers shouldn't be asked to pay more in municipal water fees or clean drinking water fees, said Michael Koss, legal counsel to the League of Kansas Municipalities.

"League members also feel that there should be a re-evaluation of municipal representation on the Kansas Water Authority, revenue sources and distribution for the state water plan fund, and the process for adopting the annual state water plan fund budget," Koss said.

He recommended the state take advantage of low interest rates on borrowing to speed dredging of sediment from reservoirs used for storage of public drinking water.

Elmer Ronnebaum, general manager of the Kansas Rural Water Association, said small municipal and rural water systems struggled with limited local resources to pay for infrastructure and development of staffing expertise.

He said about one-third of water in these antiquated systems is lost to leaks or metering failures, while approximately 30 water systems are out of compliance with clean-water mandates enforced by government regulators.

“The problem public water supply systems have is compliance with the Clean Water Act,” Ronnebaum said.

Ex-MLB pitcher helps 'answer' political questions

David Kensinger is among Gov. Sam Brownback's loyal political confidantes.

The lobbyist and consultant served as chief of staff to the Republican in Topeka and Washington, D.C., and managed the Kansas politician's campaigns for state and federal office.

In recent months, however, Kensinger has become shy around reporters.

It's understandable.

He was among lobbyists criticized in January for gaining access -- ahead of legislators -- to the governor's budget blueprint. He was subject of an FBI investigation in 2014 about influence peddling. He was an unpaid volunteer in Brownback's re-election race. Now, a federal grand jury is looking at \$500,000 loans Lt. Gov. Jeff Colyer made to the campaign.

Approached at the Capitol by the Wichita Eagle, Kensinger jotted down the name of someone authorized to speak on his behalf.

The guy: Don Carman. He pitched for the Phillies, Reds and Rangers during a 10-season career. His record was 53-54, but that conceals admirable work on the mound in the mid-1980s. He's regarded as the second-worst-hitting pitcher in MLB history.

In 1990, Carman became weary of reporters' questions. He posted a list of three-dozen responses applicable to post-game interviews.

Drawing from that list, let's see what Carman-Kensinger has to say about Kansas politics.

Reporter: Brownback was elected in 2010 with 63.3 percent of the vote. His re-election netted 49.8 percent. What happened?

Carman/Kensinger: "I didn't have my good stuff, but I battled 'em. I'd rather be lucky than good."

Reporter: Democratic gubernatorial nominee Paul Davis dislikes Brownback's income tax cuts, but Davis avoided saying he would raise taxes if elected. Will Democrats come clean?

Carman/Kensinger: "No."

Reporter: What do you make of the FBI probe of Brownback allies?

Carman/Kensinger: "I did my best and that's all I can do. I just want to help the club any way I can."

Reporter: Why has the Kansas GOP devoted so much energy to ripping President Barack Obama and former Gov. Kathleen Sebelius?

Carman/Kensinger: "We've got to have fun."

Reporter: Your view of Brownback appointees?

Carman/Kensinger: "We have a different hero every day."

Reporter: What about the grand jury's examination of Colyer's loans?

Carman/Kensinger: "Baseball's a funny game."

Reporter: What is required to prevent another round of state budget cuts?

Carman/Kensinger: "We need two more players to take us over the top: Babe Ruth and Lou Gehrig."

Reporter: House Speaker Ray Merrick said he was referring to British "Redcoats," not Kansas teachers who lobby wearing red T-shirts, when arguing more people should carry concealed guns in the Capitol. Did that make sense?

Carman/Kensinger: "You saw it ... write it."

Reporter: Was Brownback's reversal of an executive order on gay state workers issued by Sebelius a ploy to distract legislators who want to make it legal for businesses to deny service to people assumed to be gay?

Carman/Kensinger: "Yes."

Reporter: Will the House or Senate approve Brownback's plan to raise cigarette and liquor taxes?

Carman/Kensinger: "This team seems ready to gel. If we stay healthy, we should be right there."

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Education, taxes, regulations come up at Brownback listening tour

Governor visited Holton on Friday morning

Posted: [February 13, 2015 - 11:39am](#)

By [Megan Hart](#)

megan.hart@cjonline.com

Though Gov. Sam Brownback's stop in Holton officially was about small business, education loomed large in the discussion.

More than 100 people attended the question-and-answer session Friday morning at Penny's, a café and event center in Holton. About a dozen of them were protesters, most of whom wore red shirts and rainbow ribbons.

Marilyn Switzer, a retired teacher who lives in Holton, said she was worried budget cuts will put more of the burden of funding schools on local property taxes.

"Our schools mean everything to small towns," she said. "If our schools aren't vibrant and our population isn't educated, the town will die."

Vance Lassey, who owns the Penny's building, asked Brownback how the state could reduce spending. Lassey said cutting budgets would force schools to be more careful, by replacing furnace filters instead of spending far more to install a new furnace, for example.

"If you cut budgets, organizations like schools will say, 'Here's what we have, how can we make the most of the money we have,'" he said.

Several area business owners also asked about tax policy, including whether Brownback still supports a flat tax. The governor says he wants the state to move to a flat tax, with an exemption for small business income, and eventually eliminate all income taxes in favor of sales taxes.

“When you tax something, you’re getting less of it,” he said. “If you tax income, you’re taxing the productive side of the equation.”

Brownback acknowledged the state’s budget troubles, and attributed them to Medicaid, a court-ordered increase in education spending and pensions. Some of the protesters said the budget troubles sprang from a tax change in 2012 that exempted thousands of businesses from income taxes.

Other business owners asked Brownback how the state could simplify regulations or eliminate them entirely.

Bruce Rinkes, of Holton, said he would like to see Kansas companies receive preference when bidding for state and local contracts, and to eliminate areas where the state performs the same function as a private business.

“Hopefully we can get the state out of the business of competing with the private sector,” he said.

Despite acknowledging challenges for state government, Brownback said some of the state’s problems are good ones: needing housing and new workers in the state. The Governor’s Council of Economic Advisors is working on ways to improve the marketing of Kansas, such as promoting the state as the “heart of America,” he said.

“People don’t have a bad opinion about Kansas; they just don’t have an opinion,” he said.

State agency seeks pro bono representation because AG lacks resources

Kansas Underground Utility Notification Center doesn't have a budget to hire legal help

Posted: [February 11, 2015 - 6:36pm](#)

By [Megan Hart](#)

megan.hart@cjonline.com

A state board is going to seek free legal help after being told the Kansas attorney general doesn’t have the resources to advise them.

Joe Williams, chairman of the Kansas Underground Utility Notification Center board, said Wednesday the board had asked the Attorney General’s Office to represent it after its last meeting in November. The Attorney General’s Office said no lawyers were available, unless they could pay to hire outside counsel, he said.

Jennifer Rapp, spokeswoman for Attorney General Derek Schmidt’s office, said the office could represent KUUNC if it needed help with a specific matter, such as a lawsuit, but can’t provide routine legal advice at this point. The office gives routine advice to about 30 state offices, she said.

“We do not have the capacity to represent more with current resources,” she said.

KUUNC oversees Kansas One Call, which educates the public and fields calls from contractors and others who want to be sure they won’t hit utility lines when they dig. It works closely with the Kansas Corporation Commission, which regulates utilities and suggested KUUNC seek pro bono representation, according to Williams.

No one intended to create KUUNC; it arose out of a bill the Legislature passed in 2008 that classified the notification center — then just Kansas One Call — as a public entity. Kansas One Call sued, arguing the law was unconstitutional. The Kansas Supreme Court upheld the law in 2012, but ruled Kansas One Call wasn’t a

public entity, and therefore couldn't be the notification center. That forced the state to create a new public entity to oversee Kansas One Call, and KUUNC was born, though it still doesn't have a budget or any staff.

Williams said he had been passed around in state government before being told the attorney general's office only would be able to represent them if they could pay a fee to hire representation through the office. He said he initially thought the attorney general's office didn't understand the board's situation, but they made clear they did, but still couldn't help.

"It turns out, no, they knew what was going on," he said. "The AG was in kind of a Catch-22."

The KCC came up with the idea that it could arrange for a lawyer who had appeared before the KCC before to provide pro bono representation in the short term, Williams said. A board subcommittee will be able to choose among the lawyers who volunteered to help, assuming the attorney general's office and the KCC formalize their verbal agreement, he said.

"This is a great deal," he said. "This is the first step that I can see helping us to really move forward and get going."

Ex-Senator Tim Owens: Ideology drives Sam Brownback's push for judicial reform

Brownback wants judges to 'simply follow the law,' aide says

Posted: [February 9, 2015 - 4:35pm](#)

By [Tim Carpenter](#)

timothy.carpenter@ejonline.com

Gov. Sam Brownback argued in a private conversation with Republican legislators and members of the governor's inner circle the method of judicial selection in Kansas had to be transformed to place on the bench judges who vote the "way we want them to" on cases, a former state senator said.

The conservative GOP governor has been a leading champion for overhauling the selection process for the Kansas Court of Appeals and Kansas Supreme Court.

The Legislature and Brownback agreed in 2013 to change the system for filling vacancies on the Court of Appeals by granting governors unilateral power to make nominations subject to Senate confirmation. Comparable reform for the Supreme Court requires amendment of the Kansas Constitution. Until that occurs, governors must pick from among three finalists recommended by a nonpartisan commission.

Former Sen. Tim Owens, an Overland Park Republican, said in an interview with The Topeka Capital-Journal that Brownback pressured Owens, while chairman of the Senate Judiciary Committee, to help end the "merit-selection" model and to implement a "federal" approach that gives chief executives greater authority.

"Governor Brownback," Owens said, "pointed his finger at me and said, 'Tim, why can't you go along with us on this judicial selection issue and let us change the way we select judges so we can get judges who will vote the way we want them to?'"

Owens said he jotted down the question posed by the governor during a meeting in March 2012 at the Capitol. He said Sen. Jeff King, current chairman of the Senate Judiciary Committee, was in the room. Also present, he said, was David Kensinger, the governor's chief of staff at that time, and Brownback's general counsel, Caleb Stegall, who now sits on the Kansas Supreme Court.

Owens said the governor's remark signaled desire for a judiciary consumed by political or philosophical ideals. Specifically, Owens said, the governor was keen to shape a court system supportive of an "ultra-conservative" agenda and averse to rulings that pointed to greater state financing of K-12 schools.

“I was appalled that the governor, who also happens to be a lawyer, and has sworn to defend the Constitution and uphold the law, would verbalize such a thing,” Owens said. “I told the governor that I could not and would not proceed as he wished.”

Eileen Hawley, spokeswoman for Brownback, didn’t directly address Owens’ statements. She said the governor consistently advocated for a selection process, through Senate confirmation or direct elections, that made participants accountable to voters.

“He believes a reformed process will produce justices that simply follow the law and not their own personal policy preferences,” Hawley said.

The House Judiciary Committee scheduled hearings Wednesday on two constitutional amendments that could be placed before voters by the House and Senate. One amendment would place governors in charge of nominations to the Supreme Court and the other would require open election of justices.

In an interview, King said he had no memory of the 2012 meeting with Brownback referenced by Owens.

“Absolutely no memory at all,” King said. “I certainly don’t remember that comment. I don’t remember the governor making any kind of comment like that.”

Neither Stegall nor Kensinger responded to email requests. Stegall was general counsel to Brownback from 2011 to 2014, when Brownback placed him on the Court of Appeals. In August, Brownback named him to the Supreme Court. Kensinger was the governor’s chief of staff in 2011 and 2012, resigning to engage in lobbying and consulting.

Owens, who endorsed Democratic gubernatorial nominee Paul Davis in the 2014 election won by Brownback, is the second Republican to step forward recently with information about behind-the-scenes encounters with the governor.

Former Senate President Steve Morris, who also opposed Brownback’s re-election, said he worked on behalf of the governor in 2012 to gain Senate passage of a bill cutting income taxes with the understanding Brownback wouldn’t sign the legislation. The House passed the bill without revision and Brownback signed it, but the governor said he never promised Morris he would reject the measure.

The issue of judicial selection exploded in the 2014 campaign between Brownback and Davis. Brownback piggy-backed the release of a television attack advertisement aimed at Davis by declaring during a Wichita debate that Davis would appoint judges mirroring those on the Supreme Court who overturned capital punishment sentences for Jonathan and Reginald Carr. The notorious brothers had been sentenced to death for murders in Wichita.

“It matters what judges you appoint and whether they stick with the law and Constitution or they rewrite it,” Brownback said in that debate.

The state’s judicial system has three levels — Supreme Court, Court of Appeals and district court. A merit review commission examines applicants for the Supreme Court and nominates three finalists to the governor. Kansas governors now select Court of Appeals judges. Spots in district court are chosen by a governor from among the commission’s finalists or elected through local partisan elections.

Wichita Rep. John Carmichael, ranking Democrat on the House Judiciary Committee, said concentrating power to appoint justices to the Supreme Court in hands of any governor would be a mistake.

“The complaint isn’t that the court is unqualified,” said Carmichael, who attended law school with Brownback. “The complaint is the courts are not ruling the way that the governor wants.”

Sen. David Haley, D-Kansas City, said the court reform movement was designed to bring the judicial branch into step with legislative and executive branches.

“This is designed to align the three branches of government to one school of thought,” he said. “I just don’t think it will work well.”

Kansas bill would keep fantasy sports legal amid dispute

Bill would define fantasy sports as a game of skill

Posted: [February 16, 2015 - 1:33pm](#)

By [Nicholas Clayton](#)

The Associated Press

Fantasy sports leagues would be legal in Kansas even though the state's gambling commission thinks otherwise under a bill proposed by a state lawmaker who would classify them as a game of skill rather than a lottery.

The legislation submitted by Republican Rep. Brett Hildabrand, of Shawnee, differs with a decision by the Kansas Racing and Gaming Commission, the state's gambling regulator, which said in August that private fantasy sports leagues meet the criteria of a lottery and are therefore illegal.

Under the Kansas Constitution, only the state is allowed to administer lotteries.

In fantasy sports leagues, players compete against one another by making up teams out of a pool of real athletes and tracking how well they play in their games. Each player is awarded a score based on the performance of their assortment of athletes, and leagues often award cash prizes to the best teams derived from entry fees.

Hildabrand said he was "shocked" by the commission's move because fantasy sports leagues are so popular. An estimated 40 million players participated in leagues over the last NFL season, and Hildabrand speculated that a number of state legislators were among them, possibly breaking state law without knowing it.

"We don't want to be making criminals out of the average citizen of Kansas," Hildabrand said.

The Kansas Racing and Gaming Commission did not respond to requests for comment, but following the backlash over the decision in August it said on its website that to its knowledge, "no agency at the state or local level is ramping up efforts to go after (fantasy sports league) participants."

A representative of the state attorney general's office declined to comment on the legal dispute or if any charges could be brought against participants.

Five states consider fantasy sports leagues illegal. Bills before the legislatures of three of them — Iowa, Montana and Washington — would legalize private leagues.

Legislation expands videoconferencing in court

Defendant wouldn't have to be present for some hearings

Posted: [February 16, 2015 - 2:16pm](#)

By [Jonathan Shorman](#)

jonathan.shorman@cjonline.com

A Senate panel is mulling a proposal that would limit the right of defendants to appear in court in person during some hearings in favor of videoconferencing. Supporters say the move would cut costs.

Senate Bill 104 would expand the use of videoconferencing during appearances for defendants in some hearings that typically take place early in the legal process. Most notably, the accused would no longer have the right to an in-person appearance when giving a not guilty plea in felony cases.

Videoconference would also be allowed during appearances before municipal judges prior to trial, non-evidentiary hearings conducted to determine the merits of a motion and bond hearings.

Judge Robert Fairchild, chief judge of the Douglas County Circuit Court, told the Senate Judiciary Committee law enforcement and attorneys have been calling for the change, arguing it will make court less expensive. He said his circuit already has videoconferencing available in three of seven courtrooms and all courtrooms will be ready for videoconferencing by the end of the year.

“Our sheriffs have been begging us to use it more and more. It saves them money, it saves the county money,” Fairchild said.

Fairchild indicated the legislation won’t cause any constitutional issues, though he said there is a limit to the extent videoconferencing can be used in court. Under the Sixth Amendment to the U.S. Constitution, defendants have a right to confront their accusers. While it may be possible to use videoconferencing for the testimony of defense witnesses, it wouldn’t be possible for the prosecution’s witnesses to speak via videoconference.

The legislation doesn’t mandate the use of videoconferencing, but it does require good cause to be shown if an objection to its use is raised.

The Judicial Branch Videoconferencing Committee, a group appointed by the Kansas Supreme Court, produced the bill. The committee found several advantages to videoconferencing, including reduced travel requirements, improved courthouse security and increased efficiency of legal proceedings.

“It’s cost savings for litigants. That’s one of our other goals: to try to make court more affordable for litigants, to try to improve access to courts,” Fairchild said.

The Department for Children and Families is seeking to expand the legislation to include children. Under an amendment offered by Kathy Armstrong, the agency’s assistant director for legal services, children would be able to attend Child in Need of Care proceedings via videoconference.

According to Armstrong, the change could alleviate emotional stress on the child or financial constraints involved in traveling for court. Fairchild said he didn’t have any objections to the amendment.

“It is discretionary with the court, but we feel this is appropriate and will be an aid. We value the information a child or youth has to offer to a court and this would statutorily allow the court to permit testimony of those who have obstacles to appearing in person,” Armstrong said.

No opposition to the legislation was given in the committee. Lawmakers themselves will discuss the legislation at a later date.

Activist struts bill covering sexually oriented businesses

Skeptics question state's need to interfere with legal, adult activities

Posted: [February 15, 2015 - 5:14pm](#)

By [Tim Carpenter](#)

timothy.carpenter@ejonline.com

Phillip Cosby could derive satisfaction from passage by Kansas lawmakers of a bill curtailing opportunities to open sexually oriented businesses and constricting operation of existing establishments.

The legislation's leading advocate believes state government must deal with these businesses in a manner commensurate with companies caught spreading lethal environmental pollutants.

"It is analogous to that illustration," said Cosby, director of the American Family Association of Kansas and Missouri. "This does protect communities."

On Tuesday, the Senate Corrections and Juvenile Justice Committee is scheduled for hearings on Senate Bill 147. Cosby and other activists in Kansas unsuccessfully have sought adoption of this type of legislation in 2010, 2011 and 2013.

The pending Senate bill mirrors Missouri law responsible for slashing revenue at adult entertainment business but upheld as constitutional four years ago by the Missouri Supreme Court.

Under the Kansas legislation, statewide zoning law would prohibit opening of an adult arcade, movie theater, book or video store, modeling studio, sexual device store or nightclub within 1,000 feet of a residence, public or private school, house of worship, licensed day care facility, public library or park or any other sexually oriented business.

The bill would ban total nudity at strip-club businesses, set a minimum distance between dancers and patrons, eliminate private booths, prohibit alcohol sales or consumption, and require all to close from midnight to 6 a.m.

A state of nudity under Kansas law would preclude displaying male or female genitals or the female breast without an opaque covering the nipple. A male would be prevented from displaying genitals in a "discernibly turgid state," even if completely covered.

Dancers could appear semi-nude on a fixed stage at least six feet from all patrons and a minimum of 18 inches above the floor. There would be no lap dances because semi-nude performers wouldn't be able to touch a patron or that patron's clothing.

Phil Bradley, who represents the Equal Entertainment Group in Kansas, said the legislation was designed to drive a wide range of legal, adult companies into extinction.

"It's definitely an anti-business bill," Bradley said. "It's regulation looking for a problem."

He said local units of government should retain authority to decide what type of companies operated in cities and counties.

Rep. Steve Brunk, a Wichita Republican and chairman of the House Federal and State Affairs Committee, said the House previously had adopted similar legislation. Members of the Senate will have to warm to the bill for it to advance in the 2015 session, he said.

"It's going to have to go through the Senate first," he said. "This has always been initiated in the House."

Sen. Greg Smith, R-Overland Park, said his corrections committee's hearing Tuesday would serve to assess the mood of senators about the measure. The chairman said he didn't have a feel for opinion one way or the other.

Senate Minority Leader Anthony Hensley, D-Topeka, said the bill would place the Republican-led Legislature in the role of picking economic winners and losers rather than allowing the market to dictate success or failure.

"It's ironic they talk about attracting or retaining small business in Kansas, yet they take a position to eliminate a legitimate business," he said.

Tim Carpenter can be reached at (785) 295-1158

House tinkering with higher campaign donation limits

Legislation doubles maximum donation to gubernatorial candidates

Posted: **February 16, 2015 - 4:15pm**

By **Tim Carpenter**

timothy.carpenter@cjonline.com

Top brass from the Kansas Republican and Democratic parties agreed Monday state legislators ought to elevate campaign contribution limits that have remained unchanged for a quarter century.

For the most part, that is where bipartisanship ended during the House committee meeting.

“The campaign contribution limits are unrealistically low,” said Joan Wagon, chairwoman of the Kansas Democratic Party.

Clay Barker, executive director of the Kansas Republican Party, said antiquated caps were set when campaigns cost far less and before political action committees and other entities without spending limits became powerful players in elections.

“They can almost drown out a candidate’s message,” Barker said. “There’s a lot of dark money.”

The House Elections Committee didn’t take action on House Bill 2213, which moves the individual contribution limit for a candidate for governor from \$2,000 to \$4,000 in both the primary and the general elections. A House candidate could raise \$1,000, rather than just \$500, from a person for both cycles. A candidate for Senate — the districts are larger — could raise \$2,500 from the same individual instead of stopping at \$1,000.

The committee also discussed legislation that would allow candidates to transfer campaign reserves to another race for political office. Under House Bill 2215, a state lawmaker could move old, unused donations to bona fide successor committee or candidacy.”

Wagon said the state Democratic Party found the measure “highly objectionable” because it provided a substantial advantage to incumbents.

“Open seats represent opportunity for challengers to compete on an equal footing,” she said. “This bill removes that equalizing effect and guarantees that one party will hold a seat for the foreseeable future by making it impossible for a challenger to compete fairly,” Wagon said.

Rep. Keith Esau, an Olathe Republican on the committee, asked Wagon if she would endorse an amendment that required a candidate to win the subsequent office prior to transferring the leftover reserve.

She said such a delay would serve to enhance a politician’s odds of winning re-election after a first term when many are vulnerable.

Open records responses draw scrutiny, legislation

By **Jonathan Shorman**

jonathan.shorman@cjonline.com

Kansas State University provided 11 pages of emails this past week in response to an open records request — but most of the pages were heavily redacted. A leading First Amendment expert in Kansas isn't surprised.

Mike Merriam, a Topeka attorney who has spent decades taking on First Amendment cases, said he has seen other cases involving heavy redactions. But he questioned the university's justification for such extensive redaction in this instance.

The request that produced the nearly blacked-out pages was specific: all the emails between K-State Institute for Commercialization President Kent Glasscock and Shawn Sullivan, the state budget director, from November through late January. The Topeka Capital-Journal was seeking more information on the process that went into crafting Gov. Sam Brownback's budget proposal.

After The Wichita Eagle reported that lobbyists David Kensinger and Mark Dugan, who both have long-running ties to the administration, were given a preview of Brownback's budget plan in a late December email, The Capital-Journal wanted to see whether the lobbyists' inclusion in the process extended beyond a single email.

As it turns out, Kensinger and Dugan were included in email discussion about the budget as early as December 6, according to emails K-State provided following the request. But the content of those emails was almost entirely redacted.

In making the redactions, K-State cited a specific exemption in the Kansas Open Records Act — KSA 45-221a(20) — that allows notes, preliminary drafts, research data in the process of analysis, memoranda and other records where "opinions are expressed or policies or actions are proposed" to be protected from disclosure.

While K-State may withhold or redact documents under the exemption, it isn't required to do so. The university hasn't responded to a request for more information about why the redactions were made.

"The disclosure exception of a(20) was intended to apply to internal deliberative processes by a public agency ... the key word in that sentence is 'internal,' — you don't have an internal deliberative process when you're communicating with persons who are not members of that agency," Merriam said.

But challenges to redactions or withheld records can prove difficult. Without having seen the documents in question, it can be tough to argue they shouldn't be shielded from disclosure.

"It depends on, frankly, the willingness of the client to press the matter forward. And cost or expense becomes an issue as it does in every litigated case. We

often have to evaluate these (open records) cases in the dark since we don't know what the record contains and that's a commonplace matter," Merriam said.

The emails also show state officials, such as Kenny Wilk, chairman of the Kansas Board of Regents, and Lt. Gov. Jeff Colyer receiving budget-related emails on their personal email accounts. Under current law, communications from private accounts are thought to be exempt from disclosure. The Kansas Open Records Act doesn't specifically address the issue.

Legislation has been introduced to change that, however.

Senate Minority Leader Anthony Hensley, D-Topeka, introduced a bill this past week that would include information from a personal electronic device — such as a cellphone — under the definition of public records when the information relates to operations funded with public money.

In the House, an effort by Rep. Jim Ward, D-Wichita, to amend legislation to create a similar requirement failed in a 30-86 vote.

Hensley also is seeking a legal opinion from Attorney General Derek Schmidt as to whether emails sent by a state employee from a private email account related to activities and programs funded by public money is within the definition of "public record" currently in law.

If Schmidt was to say that emails discussing state business — even if sent from a private account — are subject to the open records law, it would likely be easier to challenge a governmental body's decision not to disclose private emails.

Emails sent from private accounts concerning public business are open to the public in some states. In neighboring Missouri, the law requires that emails be open records if sent to a majority of a public body, regardless of whether the emails are being sent from or to a personal account. But in California, a court ruled in 2014 that the public doesn't have access to emails sent from a personal device.

Doug Anstaett, director of the Kansas Press Association, said officials formulating something as consequential as the state's budget out of public view goes against the idea of open government.

"I think we understand that some discussions of theories and ideas can take place outside the public's purview. But when you're talking about the state's budget with people that aren't even going to be the people who deal with it — the legislators — you're trying to take that package to the point it's almost undebatable," Anstaett said.

"In other words, all the debate's taking place in private about the merits of every single thing they want to do when open government says that's the give and take that's supposed to take place in public."

Legislature weighs rebuttal to 'revenge porn'

Victims urge lawmakers to outlaw practice in Kansas

Posted: February 8, 2015 - 8:14pm

By Tim Carpenter

timothy.carpenter@cjonline.com

Alecia Clemmons knows personally how photographs can be weaponized online to humiliate, blackmail and intimidate.

The perpetrator in her case was a vengeful former husband who acted after she was granted court approval of a new protection order in February 2014. An email tipped Clemmons to posting of nude photographs of her at a site called www.myex.com.

The Missouri woman said the collection included shots taken by her estranged husband years earlier when they still shared a home.

“The attack ... took me to a realm I had never experienced,” Clemmons told a Kansas House committee. “After a couple hours sobbing, I gathered myself up off the floor and began my pursuit of justice.”

Her quest included an appearance in Topeka before the House Judiciary Committee to urge adoption of legislation that would make the act of sharing sexually explicit images online without the consent of the pictured individual illegal.

Rep. Sydney Carlin, D-Manhattan, and Rep. Stephanie Clayton, R-Overland Park, introduced similar bills designed to forbid posting of filmed or photographed material captured with consent but placed into the Internet without authorization. Sixteen states have laws against what is known as “revenge porn,” Carlin said.

“My neighbor asked me to bring this bill to you,” Carlin told House peers, “because her friend had been devastated when photographs, which were taken consensually within the safeguards of marriage, were later posted to a website in retaliation following the breakup of the marriage.”

Clayton said revenge porn could threaten an individual’s employment, current relationship and personal safety.

“It is an incredibly violent act — slander, assault and humiliation all in one,” she said. “Photos in the online sphere allow anyone in the world to join in on the harassment within seconds of it being posted.”

Under current Kansas law, statutes related to blackmail and privacy only apply to images taken without consent.

Joyce Grover, executive director of the Kansas Coalition Against Sexual and Domestic Violence, said there were more than 3,000 online sites worldwide dedicated to displays of revenge porn.

One survey indicated 69 percent of victims had their full name posted with the material and 49 percent were harassed or stalked online or in person as a result of a former intimate partner posting to such a site, Grover said.

“Images are also threatened to be or sent to family, peers and even employers, potentially resulting in a victim being shunned from the community or fired,” she said.

There appears to be bipartisan support in the House and Senate for adding a remedy in Kansas law.

“It’s an incredibly cruel thing,” said Rep. John Wilson, D-Lawrence. “It’s something that could tarnish a reputation in perpetuity.”

Sen. Jeff King, an Independence Republican and chairman of the Senate Judiciary Committee, said state statute needed to catch up with technological shifts that invade privacy.

“Clearly, it is a despicable act. I’m glad to see efforts being made to stop it.”

ACLU asks for final ruling on same-sex marriage lawsuit

Posted: [February 13, 2015 - 8:02pm](#)

By **Jonathan Shorman**

jonathan.shorman@cjonline.com

The American Civil Liberties Union of Kansas has asked a federal judge to make a final ruling that would ensure married same-sex couples receive equal treatment from state government.

In court documents filed Friday evening, the ACLU urges federal judge Daniel Crabtree to order the leaders of several state agencies to recognize same-sex marriages. Although an earlier ruling by Crabtree began a legal process that led to same-sex marriages in Kansas, parts of state government have refused to recognize the marriages, according to the ACLU in its lawsuit.

Douglas Bonney, legal director for the ACLU of Kansas, said the motion filed asks Crabtree to rule on the merits of the case.

“The state is trying to slow walk this and deprive everybody of their rights. The writing on the wall is pretty clear where this is all going and all the momentum is toward marriage equality,” Bonney said.

The lawsuit, which has been ongoing since the fall, is headed toward its conclusion as a major ruling from the U.S. Supreme Court on same-sex marriage is expected later this year. The court has agreed to hear a case challenging a circuit court ruling upholding same-sex marriage bans in several states. Although Kansas isn’t among the states involved in that challenge, it has a similar prohibition in its state constitution.

The possibility that the Supreme Court could reject or weaken same-sex marriage — which is now legal in nearly 40 states — when it rules is seen as unlikely. The court earlier this week rejected a request to halt same-sex marriages from taking place in Alabama. That drew a rebuke from conservative Justice Clarence Thomas, the Associated Press reported, who said it signaled the court’s intent to rule in favor of same-sex marriage.

Bonney said the same-sex couples who are the ACLU’s clients in the Kansas lawsuit want their full rights now and don’t want to wait until for the Supreme Court to act months from now.

“Even a moment’s denial of their marriages’ validity is a gross denial of their rights. It’s no solace to them to say wait a few months and you’ll get what you want,” Bonney said.

A call to the Kansas Attorney General’s Office late Friday wasn’t answered. The office has been defending the state in court.

“As I have said in the past, this is a legal question that can be settled with certainty only by a decision from our nation’s highest court,” Attorney General Derek Schmidt said in January. “While it is too early to know how this will affect pending cases in Kansas, I am encouraged the Supreme Court has taken these cases, and I’m hopeful that this time the court will provide a clear and timely decision that provides greater legal certainty.”

The Wichita Eagle

Expand KanCare

02/14/2015 6:06 PM

During a legislative session notable so far for scarce revenues and options, state lawmakers and the governor have a prime opportunity to bring dollars and jobs into the state while dramatically helping thousands of Kansans improve their health, well-being and quality of life:

They can expand KanCare, the state's privatized Medicaid program.

Kansas need not do it Washington's way. Kansans can tailor the KanCare expansion to best serve the state's uninsured, health providers and communities. Proponents have listened to and learned from the opposition expressed by Republican lawmakers, taking pains to figure out how a KanCare expansion can work for Kansas as it brings an estimated 3,700 new jobs and \$2.2 billion in federal funding to the state by 2020.

As of last week there are three bills filed for consideration – if only key leaders such as Senate President Susan Wagle, R-Wichita, and House Health and Human Services Committee Chairman Dan Hawkins, R-Wichita, will open the legislative process to it.

One by Rep. Jim Ward, D-Wichita, [would](#) expand eligibility outright as called for under the Affordable Care Act.

[Another](#) introduced last week by the House Vision 2020 Committee resembles the tailored, privatized approach taken in other GOP-led states. Responding to Republican concerns, expanded eligibility could be tied to work requirements. Hospitals and other providers would be charged fees to cover the state's part of the expansion cost – an idea they've favored because of what expansion would mean to their bottom lines.

“This is as Kansas as the committee can make it,” Committee Chairman Tom Sloan, R-Lawrence, [told](#) the Kansas Health Institute News Service.

The third [bill](#), offered at the request of Rep. Don Hill, R-Emporia, reportedly is the product of negotiations among the Kansas Hospital Association, the Brownback administration and legislators. It would leave the specifics to the Legislature, while removing a statutory roadblock to expansion passed in 2013.

Meanwhile, the reasons to proceed just get stronger, with ACA changes translating into about \$25 million a year in reimbursement cuts for Via Christi Health and about \$12 million a year less for Wesley Medical Center and Galichia Heart Hospital together. Some rural hospitals could shut down.

In every case – countering another GOP worry – the state could roll back the expansion if the federal government renegeed on its commitment to cover 100 percent of the cost through 2016 and no less than 90 percent by 2020. Most important, as it increased the income eligibility to up to \$16,105 for an individual and \$32,913 for a family of four, expansion could bring 150,000 or more low-income Kansans off the uninsured rolls and into KanCare.

In its potential to aid people, boost employment and assist a vital economic sector under stress, KanCare expansion is unlike any other option available to the 2015 Legislature. Something that would be so transformative for the state merits a full debate at the Statehouse.

Kansas hospitals are counting on Gov. Sam Brownback to lead the way.

For the editorial board, Rhonda Holma

Read more here: <http://www.kansas.com/opinion/editorials/article10155668.html#storylink=cpy>

Kansas House committee introduces plan to expand Medicaid

BY JOHN HANNA

ASSOCIATED PRESS

02/09/2015 7:07 PM

02/09/2015 7:31 PM

TOPEKA

Kansas would expand state health coverage for the poor and disabled in line with the federal health care act but would tax hospitals and clinics to raise any state dollars needed to attract extra federal funds under a proposal outlined Monday by a legislative panel.

The measure sponsored by the state House Vision 2020 Committee would allow Kansas to require able-bodied Medicaid participants to hold jobs or volunteer positions to receive coverage. The state also would be able to charge premiums for coverage.

The committee is unusual in the Republican-controlled House because it's not dominated by GOP conservatives, and its chairman, Rep. Tom Sloan of Lawrence, is more liberal than other Republicans. There is still strong opposition among top Republican legislators to expanding the state's \$3 billion-a-year Medicaid program, which provides health coverage to about 368,000 people.

Sloan said the committee's proposal, which would expand coverage to 169,000 more people, is designed to address the reasons many GOP legislators give for opposing a Medicaid expansion.

Hospitals have endorsed an expansion and said they would support a new tax to draw down federal dollars. The bill would allow the state to tap them for a total of \$327 million over five years.

"It is an attempt to balance the political realities," Sloan said.

A legislative committee in Tennessee last week rejected a plan from popular Republican Gov. Bill Haslam to expand Medicaid there that emerged from nearly two years of negotiations with the federal government. But Indiana, led by conservative GOP Gov. Mike Pence, recently expanded coverage under a federally approved plan that includes health savings accounts.

The federal government promises to pay the full cost of a state's Medicaid expansion through 2016 and at least 90 percent after that.

Gov. Sam Brownback has said he's open to proposals to expand Medicaid, which is now barred by state law. But he and other top Republicans question whether Kansas could raise any matching funds.

The state is facing a projected shortfall of nearly \$600 million in its budget for the fiscal year beginning July 1 after lawmakers aggressively cut personal income taxes at Brownback's urging in 2012 and 2013 to stimulate the economy.

And some GOP lawmakers want Kansas involved as little as possible with the 2010 federal health care law championed by President Obama, viewing it as burdensome and harmful to the economy.

"Only rats get caught in rat traps," said Senate Majority Leader Terry Bruce, R-Nickerson.

Medicaid in Kansas doesn't cover able-bodied adults without children, and many parents aren't covered unless their incomes fall well below the federal poverty level.

Meanwhile, the federal health care law provides insurance subsidies for families who make one to four times the federal poverty level. The poverty level is \$15,730 for a family of two and \$23,850 for a family of four.

Read more here: <http://www.kansas.com/news/local/article9642803.html#storylink=cpy>

Senate panel fine-tunes bill to open public school activities to home-schoolers

BY SUZANNE PEREZ TOBIAS

THE WICHITA EAGLE

02/13/2015 6:18 PM

02/14/2015 7:49 AM

A proposal to let home-schooled students participate in public school activities is still alive in the Kansas Legislature, but a committee approved several changes to the bill this week.

The Senate Education Committee removed language in [Senate Bill 60](#) that would have allowed home-school students to participate in high school sports when they were 20 years old, according to reports by Scott Rothschild, a communications specialist with the Kansas Association of School Boards.

The committee also amended the bill to require that home-schooled students submit immunization records to participate in sports and other activities. Medical and religious exemptions to immunization – which are available to all students – would remain.

The committee approved a provision that would require a home-schooled student’s educator to attest that the student is in compliance with academic requirements, and one that would require home-schooled students to pay the same fees as other students.

Committee members plan to continue working on the measure next week, Rothschild said.

Supporters of the measure say opening high school sports to home-schooled kids is fair because home-school families pay taxes that finance public schools.

Opponents, including the Kansas State High School Activities Association, the state’s governing body for high school sports, say schools could not guarantee that home-schooled students meet the same academic standards and other criteria that public school kids do. They also worry about the financial impact to school districts because the bulk of a district’s funding is tied to enrollment numbers.

Roughly half of U.S. states have passed [laws making home-schooled students eligible to play on high school teams](#). Such measures often are dubbed “Tim Tebow bills,” named for the Heisman Trophy winner and former NFL quarterback who was home-schooled in Florida but was allowed to play football at his local high school.

Mississippi lawmakers [killed a similar proposal Thursday](#), when the Senate in that state voted it down 31-17.

Reach Suzanne Perez Tobias at 316-268-6567 or stobias@wichitaeagle.com. Follow her on

Twitter: [@suzannetobias](#).

Read more here: <http://www.kansas.com/news/local/article10152983.html#storylink=cpy>

Some Kansas lawmakers want school districts to tap reserves to make up for budget cuts

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

02/16/2015 6:33 PM

Some lawmakers have been calling for school districts to tap their cash reserves to help cover the \$28 million the governor plans to cut from the education budget.

But school officials dispute the notion that districts are overflowing with cash and say lawmakers need a better understanding of why districts build up savings in the first place.

“It’s wrong for money to be in savings accounts when it should be in the classroom,” said Rep. Pete DeGraaf, R-Mulvane.

“It doesn’t make any sense to me for schools to say they’re hurting for money when they keep putting more and more money in savings,” DeGraaf said. “The last four years we’ve been encouraging schools to use their unencumbered balances. ...We may be a little more” direct this year.

The administration of Gov. Sam Brownback circulated a document last week among lawmakers and supporters that showed that school districts across the state had about \$381 million in “flexible” funds as of July 1.

The Division of Budget arrived at \$381 million by adding up the districts’ contingency funds and several other dedicated funds that are designated for specific purposes, such as virtual and bilingual education or summer school, but can be used for other purposes if necessary.

The agency, which is headed by Shawn Sullivan, Brownback’s budget director, also included one-third of the special-education and textbook funds. Statute allows school districts to use one-third of those funds for other purposes, while the rest must be used for the designated purposes.

Senate Majority Leader Terry Bruce, R-Hutchinson, said the cash balances in some districts’ savings “are just absurd.”

“It does no good to the taxpayer or the district to just have such a large amount ... just sitting around,” Bruce said.

Wichita school district

Diane Gjerstad, lobbyist for the Wichita school district, said the administration’s numbers, which are 7 months old, overstate the amount in the district’s moveable reserves.

That’s partly because Wichita and other districts store special-education reserves each summer because state funding for special education is not distributed until October but districts need to pay for special education in August and September.

“We have the dollars in a couple of these funds to pay the bills until we receive state aid,” Gjerstad said. “Between Aug. 1 and Oct. 15, our salaries (for special-education teachers) are about \$8 million. So it’s there for a reason. It’s there to be used.”

One-third of the district’s special-education reserve fund was \$3.6 million in July. But as of Jan. 31, it was only \$645.

Similarly, Maize school district had \$2.3 million in its special-education fund in July, but as of the end of January, it had zero dollars, according to the district.

The administration lists the amount of flexible reserve funds for the Wichita school district as \$21.5 million as of July 1.

But the district says that as of Jan. 31, that number, using the same methodology, has dropped to \$16.7 million and will be less than \$16.5 million by June 30 because the district has already planned to spend down its reserves.

Of that, \$14.9 million is contingency reserves. Those are the funds that are supposed to be used in a budgetary emergency and could keep the district operating for about 10 days.

Districts are hesitant to tap their reserve funds to make up for Brownback's reduction – which means a loss of \$3 million for Wichita specifically – because they're unsure whether future reductions may be on the way. Brownback's cut came after the state missed revenue expectations by \$47 million in January.

“We don't know that this is the bottom yet,” Gjerstad said.

After the contingency fund is subtracted, the district will have \$1.6 million left by June 30, but most of that is for textbooks. Excluding its contingency reserves, special education and textbook funds, the district plans to have only about \$52,600 in reserves by the end of June.

Rep. Steve Brunk, R-Wichita, said that regardless of how districts frame it, the money in reserve dwarfs the money reduced in the governor's recent budget moves. He said school officials should take advantage of their reserves.

“We don't need legislation to tell them to spend their own money. We've already done that,” Brunk said.

“That money is already unencumbered. It's up to them to be responsible and utilize those funds since they already have them rather than claiming that they're cut and have been harmed when they have these funds available.”

Dave Trabert, president of the Kansas Policy Institute, a think tank that promotes free-market ideas, suggested that if districts don't voluntarily use reserves, then lawmakers ought to consider legislation that compels districts to use them. He said that increases in reserve funds – apart from contingency funds – year to year should be deducted from districts' state aid the following year.

“When those balances are growing, it's an indication that they've received more money than they've needed in prior years,” Trabert said.

Rep. Melissa Rooker, R-Fairway, said that districts shouldn't have to pay for daily operating expenses with reserves.

“We talk and talk and talk about running our schools more like a business, running our government more like a business. You keep money in reserves to protect for a rainy day,” Rooker said, noting that the state has spent down its reserves in the past year.

“Why in heaven's name would we want to take that away from school districts and not give them a cushion to protect them?” she said.

Area school districts

During a budget update last week, Jim Freeman, finance director for Wichita public schools, said the district had already spent down some of its reserves and likely would tap into them again to make up for the estimated \$3 million cut.

Wichita school board member Mike Rodee asked whether tapping into reserves could mean trouble later, when a new fiscal year begins but before state and federal funding for special-education students has been allotted.

“If we spend down those reserves, couldn't we be in a position where we couldn't open our doors July 1?” Rodee asked.

Technically, yes, Freeman answered. But probably not. In such an instance, the district likely would borrow against its self-funded health reserves until the state aid came through.

“We’re not going to bounce any checks,” Freeman said.

Don Adkisson, director of finance for the Derby school district, said that district has already spent nearly \$1 million of the flexible reserves it had in July, which the Division of Budget lists as \$3 million.

He said lawmakers overestimate the amount of money Derby and other districts have to spare.

“Even after looking at our books, we keep hearing them say districts have lots of money,” Adkisson said. “I think a lot of that they’re getting from lobbyists who that’s their whole goal is to say districts have too much money.”

The Derby district has more than \$1 million in contingency reserves. When asked how long the district could operate on those reserves, Adkisson replied, “Not very long.”

“If we have absolutely no money from the state, it’s just a matter of days,” Adkisson said. “We can withstand the reductions. Next year it gets pretty dicey.”

Cory Gibson, superintendent for the Valley Center school district, said that district would burn through its contingency funds in 15 days based on daily operating costs.

The Maize school district has \$2.1 million in contingency reserves and less than \$1 million total in its textbook fund, a third of which could be used for other purposes. Other than that, it has about \$125,000 in flexible reserves.

Superintendent Doug Powers said in an e-mail that “reserves have made it possible to continue to operate when the state was late or short in payment to the district. ... If not for the reserves, checks would have bounced.”

He called Brownback’s recent reduction a “passive way to force districts” to spend reserves for a different purpose.

Contributing: Suzanne Perez Tobias of The Eagle.

Reach Bryan Lowry at 785-296-3006 or blowry@wichitaeagle.com. Follow him on Twitter: [@BryanLowry3](https://twitter.com/BryanLowry3).

Read more here: <http://www.kansas.com/news/politics-government/article10489286.html#storylink=cpy>

Kansas moves to narrow teacher, school board negotiations

02/10/2015 3:21 PM

02/10/2015 3:21 PM

ASSOCIATED PRESS

Negotiations between teachers and school boards may be drastically narrowed as the Kansas Legislature looks for greater efficiency.

The House Education Committee approved a bill Tuesday that would require the two parties to only negotiate salaries and work hours in yearly talks. Both sides would have to agree beforehand to discuss any other subject, such as sick leave, insurance or safety.

Associations of teachers, administrators and school boards have criticized the bill, preferring instead a compromise they reached last month. Under that agreement, each side could propose five subjects in talks in addition to wages.

A Senate panel conducted a hearing Tuesday on a bill representing the compromise. Cheryl Semmel of United School Administrators of Kansas said she is hopeful the compromise will have a better chance in the Senate.

Read more here: <http://www.kansas.com/news/politics-government/article9689486.html#storylink=cpy>

Allotments or new finance formula? Either way, Kansas schools will get less money

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

02/07/2015 5:20 PM

Gov. Sam Brownback has told Kansas lawmakers that they can allow his automatic cuts to school funding to take effect or they can change the way schools are funded and enact their own cuts.

Either way, schools will lose money they expected in this year's budget. But some districts, including Wichita, will feel the impact more strongly if the Legislature proceeds with proposed changes to the school finance formula.

Brownback announced plans Thursday to reduce K-12 funding by 1.5 percent statewide starting March 7, a total cut of about \$28 million.

Under that plan, the Wichita school district would lose \$3 million from its current budget. These automatic cuts, known as allotments, do not require the Legislature's approval.

Under a proposal to change the formula offered by Sen. Ty Masterson, R-Andover, the district would lose \$3.9 million.

Is it a cut?

First, some background:

Last session, lawmakers passed a bill that increased school funding after the Kansas Supreme Court ordered them to make school funding more equitable.

The bill granted additional money to districts to supplement their local option budgets – money drawn from local property taxes. It also provided additional money for capital improvements.

The bill, estimated to cost about \$130 million, ended up costing more than \$190 million.

Now the governor and lawmakers say they want to scale back that amount.

He and some Republican lawmakers say the change is not a cut – it is less of an increase in funding.

“I’m getting calls about ‘stop the cuts to education.’ Well, we’re not cutting education,” said Rep. Steve Brunk, R-Wichita. “They’re still getting an increase ... and that’s a point that’s not getting out to the public.”

Democrats and school districts say districts built their budgets in good faith based on the law increasing funding and object to reducing budgets in the middle of the year.

“It appears that the governor is saying that he is renegeing on wanting to pay the supplemental state aid,” said Diane Gjerstad, the Wichita school district’s governmental relations director.

The Masterson plan

The level of supplemental state aid a district receives is based on assessed property value in the district divided by the number of students.

This means that some affluent communities in Johnson County receive additional state aid because of their high number of students and because they are primarily composed of residential property, which is usually worth less than industrial property.

Under this system, Burlington school district in southeast Kansas is considered the richest district because the Wolf Creek nuclear power plant drives up the assessed value per student.

Conservatives say this system is flawed and ends up awarding wealthy communities aid that’s meant to help poorer districts.

Masterson’s SB 71 would change the system so that total assessed value is used instead, which he says will better reflect the difference between rich and poor.

“I am not trying to put any district in the red,” he said. “I am trying to more clearly focus the dollars and create transparency for the guy paying the bills, which is the taxpayer.”

That change would reduce the overall cost to the state by about \$39 million. It would mean \$3.9 million less for the Wichita school district, the biggest in the state.

Gjerstad said these are operating dollars used to pay for salaries, technology, utilities and other daily costs of running schools.

About four-fifths of the state's districts benefited from the extra aid approved last year.

Gjerstad pointed out that if the Legislature chooses this route over the governor's cuts, called allotments, some districts will take a bigger hit, while others will be untouched.

"It's some vs. all. The allotment impacts everyone. The alternative – what he appears to be saying he would trade it for – impacts some," Gjerstad said.

That may not be the only cut.

The governor called on lawmakers to look at both the local option budget and capital outlay, "to stall the increase of \$54 million" in these two areas "that was not appropriated by the Legislature."

Masterson's bill does not address capital outlay, and Gjerstad said if that money is cut it would be an additional reduction to the district of \$4.2 million.

Brunk said the district should use money in its reserve funds to make up for any reduction.

Challenge for lawmakers

Senate Majority Leader Terry Bruce, R-Hutchinson, said the governor made an unpopular but necessary decision and now is challenging the Legislature to fix the school finance formula, which he contends is flawed.

"It's a lot of heavy lifting for the Legislature to do in a short amount of time," Bruce said.

He said one of the challenges of approving changes in the formula is that lawmakers will each have to weigh the impact on their individual districts.

"People are going to have to do some gut-checking overall this session. There's just no way around it," Bruce said. "There's going to be some ugly votes, one on education ... to get a sustainable balanced budget going forward."

Rep. Pete DeGraaf, R-Mulvane, said he will vote for what's best for Kansas. "And hopefully, it'll be what's best for my school districts," he said.

DeGraaf's district includes the Derby district, set to lose more than \$350,000 this year under the governor's allotment, and Mulvane, which will lose about \$92,000.

Derby would take a \$513,000 cut under Masterson's bill and Mulvane would lose more than \$150,000.

Democrats have uniformly opposed the reductions.

Rep. Gail Finney, D-Wichita, said the governor and Legislature should fund the original allocation to schools and consider revising tax policy instead.

"They really need to go and clean up the mistake they made in 2012 with that big tax cut because that's affecting everybody. It's affecting our children, our schools, our social services," she said.

Reach Bryan Lowry at 785-296-3006 or blowry@wichitaeagle.com. Follow him on Twitter: [@BryanLowry3](https://twitter.com/BryanLowry3).

Read more here: <http://www.kansas.com/news/politics-government/article9526406.html#storylink=cpy>

Capitol Beats: 'He backpedaled'

02/07/2015 6:10 PM

Check this spot on Sundays for a few quick hits about what's driving the debate in the Legislature.

Say what?

"He backpedaled. He said one thing and then he's doing something different."

— **Sen. Oletha Faust-Goudeau**, D-Wichita, on Gov. Sam Brownback's decision to reduce K-12 education spending by \$28 million midway through the school year. Brownback had previously promised to safeguard education funding.

“When I hear the governor talk about Kansas, I hear it’s the people of Kansas. The state of Kansas is good. Unemployment is down. Taxes are down. Then when I hear the rebuttal, Kansas is the government of Kansas. We got a deficit. We got a shortfall. We got problems. We got issues. So I guess the answer is, who is Kansas? That money didn’t leave the state. It’s, whose pocket is it in?”

— **Sen. Ty Masterson**, R-Andover, defending income tax cuts, which many have blamed for the state’s budget problems, during a Senate debate

\$4,776,592

That’s the total amount that will be lost by Sedgwick County school districts under the governor’s plan to reduce school funding by 1.5 percent starting March 7.

Trending

Gov. Sam Brownback was the center of attention again last week at the Statehouse. During debates in the House and Senate over a bill meant to fill the state’s budget hole through June, moderate Republicans and Democrats decried the tax cuts that lawmakers passed and Brownback ushered into law in 2012. Rep. Stephanie Clayton, R-Overland Park, compared voting for the bill to giving a bottle of vodka to an alcoholic and told her colleagues it’s time to go to tax rehab.

The bill passed both chambers easily but came short of filling the budget gap by about \$800,000. On Thursday the governor’s office announced additional budget cuts would be made to two areas he had originally left off the table, public education and the state’s universities.

News ahead

A House committee will hold two days of hearings on marriage this week. Gov. Sam Brownback called “the crisis of the family” the most pressing issue facing the state in his inaugural address last month. Rep. Steve Brunk, R-Wichita, chair of the Committee on Federal and State Affairs, plans to hold hearings that look at what he calls a “cultural breakdown” and the causes of divorce.

“Once there’s divorce, a lot of time people end up in poverty,” Brunk said. He said the hearings will feature presentations from the Department for Children and Families, and lawmakers will discuss whether the state can help people maintain their marriages. “Does the state have an interest in this? And the presumptive answer is yes.” Last year, a bill that would have made it more difficult to obtain a divorce failed to gain traction.

Bryan Lowry

Read more here: <http://www.kansas.com/news/politics-government/article9521126.html#storylink=cpy>

E-mails from Brownback administration to lobbyists about budget date back to Dec. 6

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

02/11/2015 10:45 AM

TOPEKA

Gov. Sam Brownback’s administration began communicating with lobbyists via private e-mail about the state’s budget weeks before previously reported, e-mail records from Kansas State University show.

The heavily redacted e-mails show that Budget Director Shawn Sullivan and other administration officials were communicating about the state’s budget as early as Dec. 6 via private e-mail addresses with lobbyists David Kensinger and Mark Dugan, both former Brownback administration aides.

[The Eagle reported last month](#) that Sullivan had sent an e-mail to the lobbyists and several administration officials on Dec. 23; it obtained the e-mail from a source outside

the governor's office. When asked about the e-mail in January, Sullivan said he had used private e-mail because he was at home on the Christmas holiday.

A response from the administration on Wednesday did not directly address why Sullivan and other officials used private e-mails to discuss the budget 19 days before Christmas.

"As we have said several times now, the Governor consulted many people throughout the process. The use of email for the convenience of those consultations was entirely proper," administration spokeswoman Eileen Hawley wrote in an e-mail.

Kensingler, the governor's former chief of staff who now serves as a lobbyist for the Club For Growth and other entities, would not talk about what role he played in the budget planning process when approached at the Capitol on Wednesday afternoon.

E-mails sent to and from private e-mail addresses on private computers are not public documents and not subject to the Kansas Open Records Act.

The governor's office has previously said it has no official policy about when administration officials can and cannot use private e-mails and electronic devices to communicate.

The only person on the Dec. 23 e-mail with a public e-mail address, and therefore subject to an open records request, was Kent Glasscock, a former House speaker and president of Kansas State University's Institute of Commercialization.

Both The Eagle and the Topeka Capital-Journal submitted open records requests to K-State for Glasscock's e-mail communications with Sullivan. The Capital-Journal received and reported on the heavily redacted records Tuesday.

K-State did not respond to requests for comment about why so much was redacted.

One of the few exchanges not entirely blacked out includes Tim Keck, deputy chief counsel for the Kansas Department of Health and Environment, who temporarily served as Lt. Gov. Jeff Colyer's chief of staff. In it, Keck thanks Sullivan for sending an e-mail titled "Budget Summary" on Dec. 6, and Glasscock sends a message that reads ":) !!" in response. Sullivan's e-mail and all other replies were redacted.

The records show that Sullivan began communicating with Glasscock about the budget as early as Nov. 30. The substance of their discussions is blacked out.

The e-mails also show that Sullivan e-mailed Glasscock an hour after The Eagle conducted an interview with him on Jan. 27 with the following message: “Hi Kent, Can you send me your cell phone #? Need to give you a FYI.”

He sent it from his iPhone and used his state account.

Last month, Rep. Don Hineman, R-Dighton, questioned Sullivan’s explanation that he used a private e-mail because he was home for Christmas, noting that he can access his state e-mail from any of his electronic devices.

Rep. Jim Ward, D-Wichita, introduced legislation earlier this month to make private e-mails about official state business public records. The legislation was rejected 86-30 when Ward offered it as an amendment on the House floor. He has since introduced it as an independent bill.

Ward introduced another bill on Wednesday seeking to close the exception to open records used by K-State to justify blacking out the e-mails. That bill says that the administration’s policy drafts are public records and cannot be redacted.

“They don’t think the rules apply to them,” Ward said of the administration. “They don’t believe in transparency. They just do what they want when they want, how they want.”

Kansas isn’t the only state grappling with the question of whether open record laws should extend to private communications. A pending case before the California Supreme Court seeks to settle the issue in the nation’s most populous state.

Twenty-six states have extended their open record laws to include private e-mails on official government business by public officials. The U.S. House also passed a bill in the fall that would have barred IRS officials from using private e-mails to conduct official business in response to the discovery that top agency officials, accused of targeting conservative groups, were using private e-mail for official business.

Reach Bryan Lowry at 785-296-3006 or blowry@wichitaeagle.com. Follow him on Twitter: [@BryanLowry3](https://twitter.com/BryanLowry3).

Read more here: <http://www.kansas.com/news/politics-government/article9732137.html#storylink=cpy>

Johnson County lawmaker wants to legalize fantasy sports in Kansas

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

02/16/2015 1:26 PM

A Johnson County lawmaker has introduced a bill to make playing fantasy football and baseball legal in Kansas – which it technically isn't.

The bill is a response to widespread media coverage last summer that the Kansas Gaming and Racing Commission's website stated that fantasy sports leagues with cash buy-ins could be considered illegal under the state's gambling laws.

"In short, if a fantasy sports league has a buy-in (no matter what it is called) for its managers and gives a prize, then all three elements of an illegal lottery are satisfied," the commission's Frequently Asked Questions page states.

However, Judy Taylor, the commission's general counsel, told the Eagle in August that no prosecutor had pursued a case against fantasy sports and that the likelihood of such a possibility was low.

"I want to make sure those chances are zero," said Rep. Brett Hildabrand, R-Shawnee, who introduced a bill Monday to make fantasy sports officially legal. "This is an innocent activity that thousands of Kansans participate in and I would say the vast majority have no idea they're even breaking the law, so I just want to make sure they're protected."

Hildabrand's bill copies a federal definition of fantasy sports leagues that exempts them from federal and interstate gambling laws and applies that to Kansas law. He called the proposal common sense.

He said even though the likelihood of a criminal prosecution against fantasy sports leagues is low, it doesn't make sense to have laws on the books you don't want enforced.

"We want to make sure we're emphasizing rule of law and so the rules that we do have we want them to have a purpose," Hildabrand said.

About 41 million people play fantasy sports in the United States and Canada, according to the Fantasy Sports Trade Association, which is based in Chicago.

Despite his push to legalize the hobby, it turns out he's not one of them. He said he's never played fantasy sports.

Read more here: <http://www.kansas.com/news/politics-government/article10467182.html#storylink=cpy>

House bill would double traffic fines on dangerous sections of Kansas highways

BY DION LEFLER

THE WICHITA EAGLE

02/16/2015 11:07 AM

If you've ever been passed by some moron going 100 mph on Kellogg and thought to yourself, "I really hope they bust that guy good," then the Kansas Department of Transportation has a proposed law for you.

KDOT went before a House committee in Topeka last week pushing for a bill to allow the department to establish "safety corridors," that would double traffic fines on particularly dangerous stretches of highway around the state.

The higher fines – and plenty of signs warning of enhanced penalties for speeding and other moving violations – would change behavior, said Mike Stringer, a KDOT engineer who testified in favor of the bill to the House Transportation Committee last week.

“That will encourage drivers to pay attention, slow down and drive safely through the area,” he said. “Safety corridors in other states have been successful in reducing fatalities, serious injuries and alcohol-related crashes.

In addition to higher fines, the bill would also mean:

- Speeding more than 5 mph over the posted limit in a corridor would go on a driver’s license and insurance record, possibly leading to higher insurance rates. Ordinarily, speeding violations under 10 mph aren’t reported.
- Tickets issued in safety corridors would be ineligible for diversion, the program in which drivers can get a ticket dismissed if they pay a fee and keep a clean record for a year.

KDOT has tried to get a safety corridor bill twice before, in 2009 and 2012, Stringer said.

It passed the Senate in 2102 but foundered in the House.

It’s come up again as a recommendation from a study group that’s looked at updated traffic and accident statistics, Stringer said.

Under House Bill 2194, KDOT would be empowered to decide where to establish safety corridors.

“Criteria used to designate safety corridors would include accident rate, number of collisions and traffic volume,” Scott Wells, senior assistant reviser of statutes, told the committee.

Kellogg, K-96

Kellogg and the K-96 loop in Wichita were identified in previous bills as candidates for safety corridors and would likely meet any criteria KDOT establishes if the bill passes, said Rep. Richard Proehl, R-Parsons, chairman of the Transportation committee.

According to KDOT records, there were 6,558 accidents on Kellogg in the Wichita city limits from 2004 to 2014.

Forty people died in those accidents and 2,862 were injured.

Last year, one person died in a Kellogg crash, but 277 were injured.

K-96 was the site of 1,774 accidents over the 10-year-period, including eight deaths and 531 injuries. Last year, it was the scene of one death and 55 injuries.

Neither Wichita highway had as many fatalities as the notoriously dangerous U.S. 50 between Hutchinson and Emporia, where 54 people have died in accidents over the past 10 years.

City Council approval

Safety corridors could not be established within a city unless the City Council passed a resolution approving it, Wells said.

Wichita and the state are both taking action to improve Kellogg's three main trouble spots, the interchange between it and I-235, and the spots where the freeway portion through the city transitions to surface streets at Webb Road on the east and 111th Street on the west.

Those projects either have been let for bid or will be by the end of the summer, said Mike Armour, special projects engineer for Wichita public works.

But road design can only go so far, he said.

"You can design a road with all the safety you want," he said. But you'll still have a lot of accidents if people "don't drive at a safe speed and cut each other off."

KDOT would be allowed to seek grants to pay for operating the corridors, but proceeds from the enhanced fines would go to a safety corridor fund until the cost of additional signage was paid off, he said.

The bill has gotten a somewhat chilled reception among south-central Kansas lawmakers.

Rep. Kasha Kelley, R-Arkansas City, a member of the Transportation committee, said she drove through a safety corridor in New Mexico and it didn't seem to change her behavior or anyone else's.

"It's just a revenue generator," she said.

Rep. Jim Ward, D-Wichita, whose district includes a stretch of Kellogg, said he also thinks the idea is more geared to money than safety.

"I haven't been a fan of that increased fine thing," Ward said. "I don't want traffic laws used as revenue-producing things in stressful times economically."

Rep. Ponka-We Victors, D-Wichita, who is on the Transportation committee, said she'd like more information on where the money from increased fines would go.

"We all know Kellogg is a mess right now," she said. "It can get congested and a lot of people seem to be in a hurry. I'm not sure what doubling the fines is going to do about that."

But she said if the money from increased fines went directly to safety improvement of the road, "maybe that's something I could support."

Stringer of KDOT said the money isn't the issue from the department's perspective.

The real priority is "to make Kansas a safer place to travel and do business," he said.

Reach Dion Lefler at 316-268-6527 or dlefler@wichitaeagle.com.

Read more here: <http://www.kansas.com/news/politics-government/article10459544.html#storylink=cpy>

Freddy of Freddy's Frozen Custard honored at Kansas Statehouse ahead of 90th birthday

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

02/16/2015 4:32 PM

Freddy Simon, namesake of the Wichita-based chain Freddy's Frozen Custard and Steakburgers, was honored at the Capitol on Monday with a reception at the governor's ceremonial office and a tribute on the Senate floor a week ahead of his 90th birthday.

Sen. Michael O'Donnell, R-Wichita, honored Simon as a Wichita entrepreneur and as a World War II veteran. Simon served in the Pacific during World War II and was among the U.S. troops who liberated the Philippines from Japanese occupation.

O'Donnell called him a "living legend" and noted that Freddy's restaurants employ about 1,000 Kansans. The restaurant chain has 140 locations in 23 states.

Wichita lawmakers competed to show off who had the most the connections with Simon, who turns 90 Feb. 24. His house and the restaurant's headquarters are both in Senate President Susan Wagle's district. But Sen. Oletha Faust-Goudeau, D-Wichita, noted that she actually lives closer to Simon.

Simon called the experience a thrill. He also said that the success of the business is in the name.

Gov. Sam Brownback visited a Freddy's in Wichita with New Jersey Gov. Chris Christie during his re-election campaign, where he ate a turtle sundae. Simon's family brought another sundae to Topeka to give to the governor on Monday.

Reach Bryan Lowry at 785-296-3006 or blowry@wichitaeagle.com. Follow him on Twitter: [@BryanLowry3](https://twitter.com/BryanLowry3).

Read more here: <http://www.kansas.com/news/local/article10479986.html#storylink=cpy>

Valentine wishes for the Legislature

02/16/2015 3:40 PM

Statehouse reporters and other political observers had fun this past weekend [tweeting](#) valentines to the Legislature ([#kslegvalentines](#)). Here are a few of the tongue-in-cheek sentiments:

- Your love is a shot of adrenaline to my heart.
- I'd uncork a fine bottle of wine for you but the state would take away our foster kids
- Valentine, I wanna (redacted) and (redacted) just the (redacted) you like.
- I don't care what Moody's says, I'll never downgrade our love.
- Our bills will always bundle.
- My love for you is stronger than grocery-store beer.
- Unlike executive orders, my love is irrevocable.

– **Phillip Brownlee**

Read more here: <http://www.kansas.com/opinion/opn-columns-blogs/now-consider-this/article10476893.html#storylink=cpy>

Hundreds of gay rights supporters rally at Kansas Statehouse

BY JOHN HANNAAP POLITICAL WRITER

02/14/2015 4:46 PM

TOPEKA, KAN.

Hundreds of people chanted and held signs Saturday at the Kansas Statehouse in a Valentine's Day protest against Republican Gov. Sam Brownback's decision to end legal protections against discrimination for gay, lesbian, bisexual and transgendered workers in state government.

Gay rights advocates promised to push for an expansion of a Kansas law barring discrimination in housing, public accommodations and private employment to protect LGBT residents. They also called for renewed political activism against Brownback, who narrowly won a second, four-year term in November, and his conservative GOP allies.

The rally was prompted by Brownback's decision this week to rescind a predecessor's executive order prohibiting discrimination based on sexual orientation or gender identity in hiring or employment decisions in much of state government. The earlier order was issued in August 2007 by then-Gov. Kathleen Sebelius — a Democrat who later served as President Barack Obama's health secretary — and applied to agencies under the governor's direct control.

Brownback acted less than three months after federal courts cleared the way for gay marriage in parts of the state, despite a ban on same-sex marriage in the Kansas Constitution. The U.S. Supreme Court is expected to decide this summer whether all states must allow same-sex marriages.

The rally drew about 600 people, and speakers accused Brownback of moving the state backward and showing disdain for gays, lesbians, bisexuals and the transgendered. One activist, Davis Hammett, a founder of the Equality House in Topeka, called Brownback's move "a sick piece of policy."

"I came to stand in solidarity with other gay and lesbian people in this state," said Jake McMillian, a law student at the University of Kansas in Lawrence. "If you would have asked me a week ago if I ever thought in my wildest dreams that this would happen, I would have told you absolutely not."

The state's anti-discrimination law does not cover bias based on sexual orientation or gender identity — and such an expansion appears unlikely to win approval from the

GOP-dominated Legislature. Brownback said Sebelius acted "unilaterally" in imposing such a policy in state government.

"If you're going to do something like that, you need to engage the people's elected representatives, which would be the Legislature," Brownback spokeswoman Eileen Hawley said Saturday. "This is not something to be done unilaterally by executive fiat."

Brownback issued his own, narrower executive order, reaffirming that the state wouldn't discriminate in hiring and employment decisions based on race, ethnicity, national origin, religion or gender.

"Kansas state employees still enjoy all of the same civil rights afforded to every other Kansan," Hawley said.

But Stephanie Mott, a transgendered Topeka resident and activist, told the crowd that Brownback's action would encourage discrimination and even violence against LGBT state residents.

Yet, state Rep. John Carmichael, a Wichita Democrat who's pushing for an expansion of the state's anti-discrimination law, said the rally also was a warning to "bigots" in office that in the next election, "We'll be coming for you."

A chilly wind blew over the crowd, and the temperature dropped to near freezing. When Carmichael promised to read a speech of six or seven pages, someone in the audience interrupted him with, "It's cold, man!"

"Oh, it's not cold when you're angry," Carmichael shouted in response. "It's not cold when the sun is shining bright, and it's not cold when God is on your side."

Read more here: <http://www.kansas.com/news/politics-government/article10249526.html#storylink=cpy>

Committee hears testimony in proposed change to election calendar

BY ALYSSA SCOTT

KU STATEHOUSE WIRE SERVICE

02/12/2015 11:54 AM

02/12/2015 11:54 AM

TOPEKA

Supporters of a bill to consolidate city and school board elections onto federal and state ballots told lawmakers it would increase voter turnout, while opponents argued against provisions in the bill that would make the local elections partisan and require schools to provide space for polling places.

If Senate Bill 171 becomes law, primary elections for city councils and school boards would be held in August, with winners advancing to the November general election.

At present, school board and municipal elections are decided in nonpartisan contests with March primaries and April runoffs. State and federal elections are held in the fall.

During the Senate Ethics and Elections Committee hearing Wednesday, seven bill proponents testified for more than 50 minutes and two opponents were allowed to testify in the final 15 minutes of the meeting. Committee Chairman Mitch Holmes, R-St. John, said additional opponent testimony will be allowed Thursday.

Clay Barker, executive director of the Kansas Republican Party, said SB 171 would encourage more people to vote in city and school board elections.

“There is a lack of citizen participation, and it’s an amazingly large amount of money to spend with very few voters’ input into it, whether it’s cities or school districts,” Barker said. “What we would like to see in this bill is aligning the spring and fall elections so all the voters turn out and they get to vote on all the positions.”

Mark Tallman, associate executive director for advocacy at the Kansas Association of School Boards, expressed concerns with injecting partisanship into municipal elections. Currently candidates for local offices are not identified as Democrats or Republicans on the ballot.

“Our members have repeatedly voted that they do not favor a change in law for several reasons,” Tallman said. “We hear from local boards, and they believe we are better served by keeping education somewhat nonpartisan, even though in many cases people do know that parties can get involved.”

According to Secretary of State Kris Kobach, between 2008-2013, local spring election voter turnout ranged from a low of 6.2 percent in Sedgwick County to a high of 56 percent in Sherman County. In comparison, fall election turnout during that same time period ranged from 37.3 percent to 85.8 percent. According to the Sedgwick County Election Office, about 67 percent of registered voters participated in fall 2012 elections.

Wichita school board member Joy Eakins testified in favor of moving the elections, but opposed part of the bill that would allow county election officers to require schools to schedule an in-service day so that school buildings could be used as polling places.

Eakins said taking time from schools is detrimental to students and teachers.

“You’re asking a person who has no accountability to the community (county election officer) for the education of their students or for what happens in a school day to be able to commandeer buildings that belong to students, buildings that were built by the taxpayers of our communities to educate their students,” Eakins said. “They do a great job, but they shouldn’t have a say over when school’s in session.”

In a news release last week, committee chair Holmes said SB 171 would help reduce the influence teachers unions have in local elections. He said unionized teachers can make a majority of voters in the current off-cycle elections because they’re able to organize while overall voter turnout is low.

“The information that we have showed that the timing of the election is the single biggest variable that affects voter turnout,” Holmes said. “There are other peripheral things that can be done, but that one by itself is the most effective.”

Eakins, a Republican, defended teachers’ participation in school elections.

“I can’t say to what extent they control the elections, but certainly teachers would be interested in voting because it’s something they’re passionate about, and that’s not necessarily a bad thing,” Eakins said. “It’s just who they are.”

Alyssa Scott is a University of Kansas junior from Wichita majoring in journalism and French.

Read more here: <http://www.kansas.com/news/politics-government/article9819428.html#storylink=cpy>

Wichita school board votes for resolution opposing moving local elections to fall

BY SUZANNE PEREZ TOBIAS

THE WICHITA EAGLE

02/09/2015 9:08 PM

02/10/2015 9:45 AM

The Wichita school board voiced its opposition Monday to a legislative proposal that would move local elections to the fall.

But that opposition was not unanimous.

Board member Joy Eakins voted against the resolution, which calls upon the Kansas Legislature to “pass no law changing the election cycle” for local school boards. It also opposes any move to make local elections partisan.

The resolution passed 4-1. Board members Jeff Davis and Lynn Rogers were absent.

“I think many people think of elections as a November time frame, and the turnout in a spring election is pretty dismal,” said Eakins, who was elected to the board in April 2013.

“There were less than 8,000 people that voted in my race, and I think that’s detrimental to our community when that kind of thing happens.”

Other board members said they think moving local elections to the fall would cause several problems. Among them: local offices getting lost on lengthy ballots, diminished media coverage and board members starting terms in January instead of July.

Under the current system, school board members elected in April take office July 1, shortly before the board approves its budget.

“We’re constantly being given information, step by step,” board member Betty Arnold said. “If board members were to change in the middle of the stream, there would be a lot of (budget) information that they wouldn’t have.

“To take away that foundation, I think, would be really detrimental to the functioning of school boards.”

Eakins said she opposes making local elections partisan, but “I don’t share your concern” about moving them to November, particularly in odd years, when they wouldn’t compete against presidential and other major federal elections.

Most budget discussions happen at the board table before July, she said.

“In the first three or four weeks of coming on the board, we were asked to pass a budget, approve a teacher contract and a superintendent contract, but all the work for that was done in the spring,” Eakins said.

“Really, there’s probably no good time for a board member to come in and know everything. ... So I don’t have a problem with that.”

The resolution approved Monday was based on a sample resolution suggested by the Kansas Association of School Boards, which [opposes changing election dates](#).

Under [Senate Bill 171](#), introduced Monday by the Senate Ethics and Elections Committee, city and school board candidates would run in partisan primaries in August and then in general elections in November.

The bill also requires districts to provide buildings for polling places at the request of a county election officer and schedule an in-service day for teachers when school is in session on the date of a primary or general election.

In other business Monday, board members heard from finance director Jim Freeman about impending budget cuts and school finance proposals being considered in Topeka.

Freeman said there would be no layoffs this fiscal year. But “We will evaluate vacancies and decide whether those are filled,” he said.

Cuts to the district budget could range from \$3 million to \$8 million or more, said superintendent John Allison.

The district’s outlook differs “depending how the Legislature goes down the path,” Allison said. “We don’t know where they’re going to go.”

Reach Suzanne Perez Tobias at 316-268-6567 or stobias@wichitaeagle.com. Follow her on Twitter: [@suzannetobias](https://twitter.com/suzannetobias).

Read more here: <http://www.kansas.com/news/local/education/article9648326.html#storylink=cpy>

Senate elections chairman wants law changes to dilute teacher vote

BY DION LEFLER

THE WICHITA EAGLE

02/05/2015 6:08 PM

The chairman of the state Senate elections committee said Thursday that one of the reasons he wants to move school board and city elections from spring to fall is to dilute the voting power of teachers in low-turnout elections.

A spokesman for the state’s largest teachers union said it’s ridiculous to think teachers, who are often in conflict with their school boards, are controlling those elections.

Sen. Mitch Holmes, R-St. John, said he wants to reduce teachers unions' influence in local elections in a news release on a bill he's calling the "Help Kansas Vote Act." Holmes, chairman of the Senate Ethics and Elections Committee, introduced the bill in his committee Thursday.

"The teachers unions do not want to give up the majority they currently enjoy in low turnout, off-cycle elections," Holmes said in his release. "But this act is not about protecting incumbency or special interest groups, it is about giving community members representation in local issues."

Holmes did not return a message seeking comment.

Holmes' assumption that teachers control school board elections is "patently absurd," said Mark Desetti, director of legislative and political advocacy for the Kansas National Education Association.

If that were the case, "things would be completely different, I can tell you," Desetti said. "Think of the number of negotiations that go to impasse. If we were electing only our buddies to the boards, why would we go to impasse? It doesn't make any sense."

While the KNEA opposes the bill, Desetti said Holmes is "pandering" to anti-union sentiment on a bill that has little if anything to do with unions.

"This is just more union bashing for no good reason," he said. "It's trying to play on people's fear of the big bad union guy. You know, we're schoolteachers, for goodness' sake."

He said the potential harm to school board and city elections is that they would become extensions of national and state elections, dominated by "hyper-partisan warring and the ugly mail and everything else."

"Why would we want to bring the part of elections that people hate the most (to local elections)?" he said. "These are our neighbors we're talking about."

The bill does not yet have a number assigned and copies were not immediately available because the language is still being fine-tuned by the legislative revisor's office, according to Holmes' committee assistant.

According to a written statement, in addition to moving elections, the bill would:

- End nonpartisan elections for local office. Candidates would run against members of their own party in primaries and against the opposing party in general elections, the way federal, state and county offices are now decided. Holmes cited "truth in advertising" as the reason for bringing parties into local elections
- Allow voters to vote a straight ticket, meaning they could cast a vote for all of a party's candidates on the ballot by checking a single box. Kansas did have straight ticket voting in the past, but it's unclear when the practice stopped or why.
- Revoke a state law requiring that election officials rotate names on ballots so the same candidate doesn't always appear in the preferred position at the top of the list.

Sen. Michael O'Donnell, R-Wichita, sits on the elections committee and said while he supports consolidating elections to get a better turnout, he thinks the bill might be amended to keep local elections nonpartisan.

"I just think something good would come from higher turnout in local elections," he said.

O'Donnell served on the Wichita City Council before he won his Senate seat and said "there's dirty politics in any election" whether they're partisan or not.

Craig Gabel, of the group Kansans for Liberty, is organizing members of his group to testify in favor of the bill when it comes up for a hearing at the committee Wednesday.

"The way the elections are set up (now) they are biased toward incumbents," he said. "Basically a challenger has no chance whatsoever of overcoming an incumbent because of the time period."

Gable has run unsuccessfully for offices in both spring and fall elections but said he thinks the fall elections, with their larger turnout, offer a better gauge of public sentiment.

“There’s a better chance of the person elected representing the people in general,” he said.

Contributing: Bryan Lowry of The Eagle

Reach Dion Lefler at 316-268-6527 or dlefler@wichitaeagle.com.

Read more here: <http://www.kansas.com/news/politics-government/article9366713.html#storylink=cpy>

The Kansas City Star

New year brings same old wasteful border war over jobs

02/12/2015 5:07 PM

The [newly announced plan](#) to move the Dairy Farmers of America headquarters across the state line is the early leader as the most irresponsible taxpayer-subsidized project of 2015.

Unfortunately, the year is young. And the Kansas City area’s destructive economic development border war is now pumped up on steroids.

The latest deal checks all the boxes on what’s so financially rotten about the scorched earth battle between Kansas and Missouri, and among Overland Park, Kansas City, Kan., Leawood, Lee’s Summit, Kansas City and other communities.

Building a \$30 million headquarters for the nation’s largest milk marketing cooperative in western Wyandotte County:

- Does not immediately create net new jobs for the region.

People who once worked in offices near Kansas City International Airport will now trek to the other side of the state line. Kansas City and Missouri will lose the tax dollars once provided by those workers. With no increased job force, the headquarters will not support the construction or buying of new homes or create a net uptick in sales at grocers, retail stores or entertainment destinations.

- Does not help a blighted part of the metropolitan area.

Dairy Farmers of America will get taxpayer incentives to move into the economically vibrant West Village development, which includes Kansas Speedway, new Cerner Corp. offices and Sporting Park — all heavily subsidized with public dollars.

- Does not meet a sensible standard for transparency on use of public funds.

State, local and company officials have been unnecessarily evasive about how much taxpayer money Dairy Farmers of America will receive.

- Does not help Kansas solve its huge budget problems.

A state with a billion-dollar revenue shortfall cannot afford to give away tax receipts to woo existing Kansas City area businesses.

- Does not help officials who want to find good ways to solve the border war.

Missouri officials [properly have approved](#) a potential solution that would ban giving state subsidies to companies that merely hop the state line. But Kansas Gov. Sam Brownback and many legislators, desperate to get any jobs they can, haven't made progress on an agreement. Some Johnson County leaders also appear afraid they can't compete without doling out incentives.

- Does not help a company that actually needs or deserves the tax dollars to make a project work financially.

The Dairy Farmers of America is the region's largest private employer by revenue, with \$18 billion in receipts last year.

- Does not help foster cooperation by local elected officials on other matters.

It was particularly telling to see dueling statements from mayors Mark Holland of Kansas City, Kan., and Sly James of Kansas City. Both make a big show out of cooperating on some regional projects, but the border war divides them.

Holland said he was pleased the Dairy Farmers of America was coming to an area “where we offer world-class entertainment and retail.” He ignored the irony of being forced to lavish incentives on the company to get it to move there.

James said, “We can no longer define economic development as engaging in self-destructive bidding wars with our neighbors who, like us, could put these funds to more productive purposes.” Yet Kansas City also has tried, and sometimes succeeded, in getting Kansas-side companies to cross the state line.

In a metropolitan region that desperately needs to attract and create lots of new jobs, the Dairy Farmers deal is another example of the wasteful use of public dollars to support the status quo.

Read more here: <http://www.kansascity.com/opinion/editorials/article9916772.html#storylink=cpy>

New national report: Sam Brownback’s tax cuts slam Kansas while other states prosper

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

02/12/2015 6:45 PM

A new national report will not improve the mood of Gov. Sam Brownback or inspire confidence in the dwindling number of Kansans that his income tax-cut scheme is going to rev up the state’s economic engines.

The [Nelson A. Rockefeller Institute of Government's study](#), released Thursday, is a factual and unbiased review of state revenue figures from across the country.

And it shows Kansas is doing poorly in revenue collections — and not just income taxes — versus most other states.

Here are the two big takeaways relative to Kansas, which in recent weeks has seen a beleaguered Brownback propose hundreds of millions of dollars in cuts to education, roads and pensions.

- Kansas' total tax collections for the fiscal year that ended in June 2014 were 2.6 percent *below* the fiscal year 2013 numbers.

That compares poorly to U.S. total tax collections, which were *up* 2.0 percent.

Kansas' overall decline was the third worst in the nation. Only Alaska and Arizona suffered higher percentage losses in tax revenues.

The largest revenue setback for Kansas, of course, was in personal income taxes because of the cuts that took effect in early 2013. But the state's sales tax revenues were also below the national average from one fiscal year to the next.

- Things aren't looking up for the current fiscal year for Kansas.

For July through September, Kansas' total tax revenues were 2.5 percent *below* the three-month period in 2013.

Meanwhile, the U.S. total tax revenues were *up* 4.4 percent.

Only three other states fared worse: Delaware, North Carolina and Alaska.

The puny increase in Kansas' sales tax revenues badly trailed the U.S. average. And the decline in the state's personal income tax collections was third worst in the country.

Brownback and his allies keep saying the state economy has turned the corner.

But when compared with so many other states, Kansas is lagging them in taking in enough money to provide good public services to its residents.

To reach editorial page columnist Yael T. Abouhalkah, call 816-234-4887 or send email to abouhalkah@kcstar.com.

Twitter [@YaelTAbouhalkah](https://twitter.com/YaelTAbouhalkah).

Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/yael-t-abouhalkah/article9925430.html#storylink=cpy>

Kansas lawmakers prepare options for a possible increase in taxes

BY BRAD COOPER

THE KANSAS CITY STAR

02/13/2015 6:39 PM

TOPEKA

Kansas lawmakers are busily working behind the scenes on options for raising taxes if they run into trouble filling a \$600 million hole in the state budget.

House leaders are crafting a smorgasbord of proposals calling for a sales tax increase, a gas tax increase, a tax on wind and solar energy production, a tax on electronic cigarettes and a tax on “passive income,” which could include earnings from rent or royalties paid for oil and gas exploration. They are also looking at imposing a surcharge on income taxes.

In some cases, those taxes — such as a gas tax or sales tax increase — might be short-term solutions to the state’s budget problems and eventually lapse, legislators said.

Legislative leaders characterized the proposals as a fallback option in the event the Legislature hits a snag balancing the budget, which was left with a massive hole following income tax cuts passed in previous years at the urging of Republican Gov. Sam Brownback.

“It is premature to even talk about these, because we need to go through and see where we stand on spending,” said state Rep. Marvin Kleeb, an Overland Park Republican and chairman of the House tax committee.

Yet, Kleeb said that the tax proposals might allow the Legislature to dodge spending cuts in core taxpayer services such as education, public safety and health care for the less-affluent.

“If we have every efficiency in the budget that we possibly can and we still need to provide core services, we’re going to meet those needs,” Kleeb said Friday. “This has got to be a deliberative, well-thought-out process of what could be a solution if we need a tax enhancement.”

The proposals are still conceptual in nature, although a 5-cent increase in the state’s gas tax was suggested. They were introduced as bills in broad terms in the House tax committee late Thursday afternoon. They are still being drafted and researched.

Debate over the budget could easily change because of falling revenues or lawmakers unwilling to go along with spending cuts.

The governor’s budget proposal, for instance, was upended Thursday when a panel of lawmakers refused to divert \$280 million from the highway department into state operations. The action, if it stands, would require cuts elsewhere or more revenue.

“If that happened to stick, we would need to know what our options might be,” Kleeb said of the action refusing to transfer the money from highways into other programs.

The tax proposals are a new twist for Republican House Speaker Ray Merrick of Johnson County. He has said the state has a spending problem, not a revenue problem.

The introduction of the tax proposals doesn’t mean Merrick has changed his mind, the speaker’s spokeswoman said.

“At some point, you do have to make sure you have all the options at the ready,” said Rachel Whitten. “I’m not saying there’s going to be a tax increase. I’m not saying that’s even viable right now. I’m saying it’s an option.”

Brownback already is proposing more than \$100 million in tax increases on cigarettes and alcohol to help balance the budget.

It is unclear how much support there is for the governor's plan, but critics have pointed out that it potentially could put area Kansas businesses at a disadvantage against area Missouri businesses.

The tax proposals allow the conservative-controlled Legislature to preserve Brownback's signature income tax cuts by raising taxes elsewhere at the expense of middle-class families, said state Rep. Jim Ward, a Wichita Democrat.

"All of that stuff is an effort to protect the cornerstone of the economic experiment, which is reducing and eliminating the income tax," Ward said. "We are no longer having a conversation about whether to raise taxes. It is now whose taxes and how much?"

State Rep. Mark Hutton, a Wichita Republican and a member of the tax committee, said the proposals were intended to "open up the discussion on all sorts of levels."

"We're interested in exploring all the areas of revenue that this state gets and if there are any opportunities or discussion we might have to adjust them," Hutton said.

Does that mean tax increases are needed?

"We'll have to see," he said.

To reach Brad Cooper, call 816-234-7724 or send email to bcooper@kstar.com.

Read more here: <http://www.kansascity.com/news/government-politics/article10154651.html#storylink=cpy>

Kansas House panel restores governor's request to use highway funds to fill other gaps

THE ASSOCIATED PRESS

02/16/2015 5:39 PM

TOPEKA

A House committee on Monday decided to reverse a decision it made last week and fully restore Gov. Sam Brownback's request to use millions of dollars from the Kansas Department of Transportation to fill gaps in other state spending.

The governor, a Republican, wants to take \$724 million from transportation projects. Last week, the House Transportation and Public Safety Budget Committee voted to reduce that amount by \$280 million, allowing about \$444 million to be transferred in fiscal years 2016 and 2017. On Monday, during a quick meeting not held in a committee room, the panel restored the \$280 million transfer, allowing the governor to have the full \$724 million he sought.

Rep. Russ Jennings, a Lakin Republican who last week proposed the reduction in the amount Brownback would get, said he was not surprised by the committee's decision to reverse it. Jennings said he was happy the action prompted discussion about fiscal responsibility.

"We've used up all of the borrowing that's available, basically, and we're being asked essentially to use borrowed money to pay on debt," Jennings said. "... That's like a credit card on a credit card."

Rep. J.R. Claeys, a Salina Republican and the committee's chairman, said Monday that more study was needed to determine how reducing the amount of the fund transfers would affect the entire state budget.

"It's important that we bring all the parties together and come up with a solution that fits within the budget and this action," Claeys said.

Claeys said he called the meeting outside a committee hearing room Monday because he had to attend another committee later in the day.

Transportation Department officials said that despite the funds transfer, all transportation projects would continue on schedule but some maintenance projects would be delayed.

Rep. Melissa Rooker, a Fairway Republican on the committee, said the Brownback administration was using fund transfers to avoid dealing with a drop in tax revenue.

“For the purists who think we have a spending problem, it’s time to start talking about where you would entertain cutting the budget,” she said. “For the rest of us who think we really do have a revenue problem, we really need to get at that.”

The state is facing a projected \$344 million shortfall in the state’s current budget, with an additional deficit of nearly \$600 million for the next fiscal year. The budget problems arose after lawmakers cut income taxes at Brownback’s urging in 2012 and 2013.

Read more here: <http://www.kansascity.com/news/government-politics/article10486172.html#storylink=cpy>

TheChat: Barry Grissom challenges Kris Kobach on voter fraud prosecutions

BY STEVE KRASKE

THE KANSAS CITY STAR

02/11/2015 8:00 PM

Here we go:

- “Going forward, if your office determines there has been an act of voter fraud please forward the matter to me for investigation and prosecution.” — Barry Grissom, the U.S. attorney for Kansas, in a letter to Secretary of State Kris Kobach, urging Kobach to refer cases of voter fraud to his office.

The AP reports that last year Kobach told WIBW that he had referred cases to Grissom, which the U.S. attorney denies. The disagreement is important because Kobach is asking state lawmakers to give him the power to pursue voter fraud charges because prosecutors in the state aren't doing the job. Now, Kobach is admitting to the AP that his office never referred cases to Grissom citing inaction by Grissom's predecessor.

- “Fifty years after Selma, we need the federal government to step in and protect the rights of all Americans.” — [the message](#) that Missouri Congressman William Lacy Clay said he gave President Barack Obama Tuesday in a closed-door meeting of the Congressional Black Caucus at the White House. (*link courtesy of johncombest.com*).

Clay was saying that more federal government intervention is needed when it comes to local policing. Clay told the Post-Dispatch that the president “was all for it. It was a very positive response.”

- “As they decline...workers lose that sort of voice.” — Marion Crain, the Wiley B. Rutledge Professor of Law at Washington University-St. Louis and vice provost, on the drop in Missouri union membership, which has reached [its lowest level](#) in decades. Crain said unions continue to be the voice for working people in the Legislature and in politics.

The numbers in 2014: 2.6 million employed people in Missouri, 214,000 union members, or 8.4 percent. The numbers in 2005: 2.5 million employed, and 290,000 union members, or 11.5 percent.

- “I’m not too blunt and too direct to be in Iowa or any place else in this country. I know there are times you may see or read something that I’ve said and say, ‘Oh my gosh, I cannot believe he said that out loud.’ ” — New Jersey Gov. Chris Christie in a trip to Iowa where he displayed a decidedly lower-key demeanor.

Christie is trying a different approach as he begins his 2016 presidential bid. Will it work? Some Iowans said they found Christie to be a little “flat” during his recent visit.

Read more here: <http://www.kansascity.com/news/local/news-columns-blogs/the-buzz/article9757928.html#storylink=cpy>

Plan to cut class size to proceed in Shawnee Mission district

BY ROXIE HAMMILL

SPECIAL TO THE STAR

02/10/2015 11:06 AM

A \$1.44 million cut to the Shawnee Mission School District budget ordered by Gov. Sam Brownback last week has caused many uncertainties but may not stop a recently announced plan to reduce class size there.

The district has announced it would use its reserves to address the budget reductions that were put in place to deal with the state's impending cash flow problem.

Shawnee Mission Superintendent Jim Hinson has been working on a plan to shuffle administrative jobs that he said would eventually result in a better pupil-teacher ratio.

The plan, presented to school board members, was billed as the first step in getting more resources into classrooms. "I know this is something you have talked to us a lot about," he said to board members at a meeting Jan. 26.

Hinson told board members the changes in the administrative flow chart should save the district an estimated \$1.5 million per year — money that would then be used to reduce the maximum classroom sizes. For instance, class size caps would be reduced to 27 from 29 in third grade and 27 from 30 in fourth through sixth grades.

All that was predicated on level funding from Topeka and no significant aid reductions. Hinson told the board that there would be resources to reduce the administrative footprint, "if we don't lose millions of dollars this coming year from decisions being made in Topeka."

But a few days later, Brownback announced \$44.5 million in cuts in schools and universities across the state.

In Johnson County, Shawnee Mission, Olathe and Blue Valley take the biggest hits. The amount Shawnee Mission will lose comes close to the amount Hinson proposed to save.

Early estimates from the state Department of Education say the Shawnee Mission District can expect a reduction in state aid from \$3,852 per pupil to \$3,810.50. In a news release shortly after Brownback's announcement, the district said it would address the shortfall with reserves, but did not give details.

District officials are still sorting out what that will mean for the administrative restructuring and hope to have more clarification at the Feb. 23 meeting, said spokesperson Leigh Anne Neal.

The reorganization is possible because of an early retirement plan offered to teachers last year.

Some 180 teachers accepted the buyout, Neal said. The incentive package was agreed upon by the district and the teachers' union late last year and had a Feb. 2 deadline. The school board on Monday gave officials an extension of that deadline for administrative staff to Feb. 23.

The vacancies created by the early retirements make it possible to move administrators out of the front office and back into the classroom without layoffs.

The superintendent did not say how many administrative jobs would end, and Neal said that is among the details still to be worked out.

Also undecided is the number of positions vacated by retiring teachers that will be filled. Neal said the district is still discussing staffing needs with school principals before making final decisions.

Hinson said the state cutbacks will present challenges to the district in purchasing contracts already in place for this year.

“Our focus remains on providing outstanding educational services for our students to prepare them for the future and meet the expectations of our community,” he said in a press release. The cutbacks are “unfortunate, but will not deter our mission.”

Lists of teachers and administrators who had decided to retire or resign as of Jan. 26 can be found [here](#) and [here](#).

Read more here: <http://www.kansascity.com/news/local/community/joco-913/article9670889.html#storylink=cpy>

Twenty-four hours of damage for Sam Brownback’s Kansas

BY BARBARA SHELLY

THE KANSAS CITY STAR

02/12/2015 1:41 PM

To recount an especially harrowing 24-hour period in Sam Brownback’s Kansas, we begin not at sunup but just before 3 p.m. on Tuesday. That’s when word broke that the governor was rescinding an eight-year-old order granting protection against job discrimination for gay, lesbian, bisexual and transgender citizens who work for state agencies.

Even the most vigilant Brownback watchers had not seen this one coming. While other states are expanding protections for those citizens, Brownback was cruelly rewinding the clock.

If the governor intended his move as a distraction from Kansas’ dire financial straits, he succeeded brilliantly.

Liberals huffed about intolerance, and even some conservatives seemed uncomfortable with harassment against a particular group of Kansans. But Brownback thrives in the culture wars. Social media excoriated him all night long, but the governor wrapped himself in righteousness and no doubt slept like a baby.

Wednesday morning arrived, and the sun wasn't quite shining in Kansas, as Brownback famously asserted during his campaign. The weather was partly cloudy and the state was altogether broke.

But the gleaming Capitol in Topeka slowly came to life.

In one hearing room, local elected officials filled every chair and pressed their backs against the wall. Some had driven for hours to testify in opposition to a proposal to move city, county and school board elections from the spring to the fall and have candidates run on party tickets, rather than as nonpartisans.

Coupled with a push by GOP Secretary of State Kris Kobach for straight-ticket voting, the measures are part of a plan by Brownback and others to further consolidate Republican electoral clout in Kansas.

Proponents received nearly an hour to testify, by which time members of the Senate Ethics and Elections Committee were drifting away for other engagements. Committee Chairman Mitch Holmes called the meeting to a close less than 20 minutes into opponents' testimony.

"Sorry it came out this way," he said, and suggested that folks who couldn't stick around for a resumption of the hearing on Thursday could try to buttonhole committee members in the hallway.

In another meeting room, the House Committee on Federal and State Affairs convened a two-day hearing on strengthening marriage.

Wichita Republican Steve Brunk, the chairman, thinks the institution is declining, leading to a "degeneration of the culture." He invited testimony from conservative Christian groups, a university professor from Minnesota and from Phyllis Gilmore, Brownback's secretary of the Department of Children and Families.

By the second day, conversation would veer sharply toward condemnation of single-parent families. But in the beginning, legislators seemed mostly perplexed about why they were there.

The afternoon brought a hearing on proposals to change the way judges are chosen for the Kansas Supreme Court. Instead of a nominating commission screening candidates and forwarding finalists for vacancies to the governor, conservative lawmakers favor either choosing judges by partisan elections or having the governor unilaterally appoint them.

These proposals, like the election changes, are about fortressing conservative Republican rule.

In this 24-hour time frame, I spotted only one totally positive development: a hearing on a bill allowing full-strength alcoholic beverages to be sold in grocery and convenience stores. This comes up annually, only to be killed by liquor store owners. But some think Kansas might emerge from the backwater this year.

Let's hope so. With all the bad stuff going on in Sam Brownback's Kansas, the Legislature could at least make the temporary palliatives easily accessible.

To reach Barbara Shelly, call [816-234-4594](tel:816-234-4594) or send email to bshelly@kcstar.com. Twitter: [@bshelly](https://twitter.com/bshelly).

Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/barbara-shelly/article9859328.html#storylink=cpy>

Recall of Brownback is possible in theory, virtually impossible in practice

BY DAVE HELLING

THE KANSAS CITY STAR

02/12/2015 1:14 PM

As thousands of Kansans sign an unofficial online petition asking for the recall of Gov. **Sam Brownback**, some voters have asked if the state has an *official* process for recall of any state or local public official.

Gov. **Scott Walker**, you'll remember, survived a recall vote in Wisconsin.

The answer in Kansas is yes: [state law includes a recall procedure](#). But the standards are so high it would be virtually impossible to seek Brownback's recall through official means.

A committee seeking a recall would have to gather lots of signatures — roughly 87,000 valid signees, or ten percent of the votes cast in the last election for governor. Once those signatures are obtained and verified, it would take *another* 348,000 valid signatures to actually force a recall vote.

But the recall committee also has to provide “grounds” for recall. Those grounds are [quite limited](#): “conviction of a felony, misconduct in office or failure to perform duties prescribed by law.” Misconduct is further defined as “a violation of law by the officer that impacts the officer’s ability to perform the official duties of the office.”

Brownback doesn't meet any of those standards. Even if he did, though, the recall committee must submit its petition to the secretary of state, [who can reject it](#) if the “facts do not support the grounds for recall.”

In this case, for example, Secretary of State **Kris Kobach** would review the recall petition, and could discard it if he determined it failed to provide the necessary reasons for the vote.

Which he would undoubtedly do.

The Kansas recall statute also says the officer can't be recalled in the first 120 days of his term. Brownback was sworn in about a month ago.

Missouri, incidentally, has no procedure for recalling statewide elected officials.

Read more here: <http://www.kansascity.com/news/local/news-columns-blogs/the-buzz/article9849026.html#storylink=cpy>

Zacharias sees tough choices in dealing with county budget

BY ROXIE HAMMILL

SPECIAL TO THE STAR

02/12/2015 2:11 PM

02/12/2015 2:12 PM

With a growing population, declining revenues and budget cuts coming from Topeka, the county will likely face a choice between service cuts and raising property taxes next year, according to County Manager Hannes Zacharias.

“The headline might be that a property tax increase is coming to a local government near you,” he told a forum Saturday sponsored by the Johnson County League of Women Voters.

Zacharias cited recent reductions in school budgets and the phase-out of the state mortgage registration fee as examples of the challenges local officials face in trying to meet their budgets while dealing with actions taken by the Kansas Legislature and Gov. Sam Brownback.

About 100 people turned up to hear a panel that included Zacharias, County Librarian Sean Casserley and Patti Rule, a member of the advisory committee of the area Agency on Aging, discuss how the current state budget troubles may affect their entities in the coming year.

Zacharias pointed out that the county has kept the mill levy rate the same for recent years, including during the worst of the recession when housing values declined. But all the efficiencies instituted during that time have left the county with little to trim as state funding is cut even more, he said.

“The idea of doing more with less does not exist in this community,” he said. “I think the lexicon now is doing less with less.”

The alternative would be increasing the mill levy to meet the need for services, he said.

Although real estate values increased last year and may again this year, he said that may not be enough to cover the salary increases the county's employees will get. Last year the county commission agreed to a 3 percent increase for its employees that Zacharias said was necessary to keep those employees leaving.

The most likely alternative to cutting services would be an increase in the property tax, he said. The sales tax rate is already high enough that any increase could drive buyers across the state line, he said.

Zacharias's comments echoed those he made in proposing a mill levy increase to the Johnson County Commission a year ago. The commission seemed set to take that advice, citing lost income from the mortgage registration fee collected at real estate closings. But at the last minute, commissioners decided instead to keep the mill levy intact and make some other adjustments to the budget. In the process, the Heritage Trust Fund that funded historical projects in the county was closed out.

Casserley and Rule also had concerns about how state budget machinations could affect their services. For instance, Casserley said cutting back on such things as mental health services can have "unintended consequences," for the library, a place people with mental health issues often visit.

Rule said she was concerned about cutting home services to the frail elderly. Those services allow them to stay in their homes and have a better quality of life, she said, while costing taxpayers substantially less than institutionalization. The Agency on Aging is watching to see what the state budget impact might be, she said. In the meantime, officials there may set up a nonprofit Friends of the Aging as a way to get grants and raise other money, Rule said.

"We're looking for ways to do more with less money but we don't want to see services cut to seniors," she said. "They're our most vulnerable population along with the very young."

Casserley cited the library's work bringing books to nursing homes and to juvenile detention. And he said the library system is run efficiently in serving about 2 million people.

“Taxing isn’t bad,” said Casserley. “Taxing reaffirms the Athenian oath that we’re going to leave the community better for our children than when we found it.”

Read more here: <http://www.kansascity.com/news/local/community/joco-913/article9870830.html#storylink=cpy>

Sam Brownback embraces cost of Fort Riley after blasting cost of Kansas schools

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

02/10/2015 12:11 AM

In [story](#) after [story](#) after [story](#), evidence reveals that the Pentagon wastes billions of U.S. taxpayer dollars every year.

But that didn’t seem to matter much to Kansas Gov. Sam Brownback on Monday.

He [showed up at Fort Riley](#) to do the politically popular thing and urge the Pentagon to keep the huge Army base fully operational.

Brownback sure didn’t sound like the penny-pinching conservative he likes to portray himself as to his political base.

The governor didn’t trot out the GOP mantra that usually calls for less spending by the federal government.

He didn’t tell people in the Fort Riley audience that it was time to *tighten their belts*, given the trillions of dollars of U.S. debt.

This embrace of Fort Riley was a bit hypocritical coming from the same governor who has said he wants to slim down Kansas government, whose income tax cuts have cost

the state hundreds of millions of dollars in lost revenues that could have been used for better public services.

This is also the same governor [who boldly last week lashed out at](#) higher education and K-12 schools in Kansas.

“The dramatic increase in state education funding that has occurred over the last four years is unsustainable,” he said, calling for \$44.5 million in cuts to funds the universities and K-12 schools had expected to receive by the end of the fiscal year June 30.

Now Kansas schools will have to scramble to cover the lost funds the governor has yanked from them, with little warning.

But have no fear, Brownback said: The K-12 schools can just draw down on their reserves to make up for the state’s lack of support.

That’s an interesting contention coming from this governor. After all, Brownback once presided over general fund reserves of just over \$700 million at the beginning of the 2014 fiscal year. Those reserves are long gone, because of the ravages of the tax cuts.

The governor had to submit a plan to slash spending by another \$280 million just to keep the state budget balanced in the current year. And more cuts, revenue shifting and [even tax hikes are ahead](#) in the next fiscal year’s budget starting July 1.

Unlike the federal government, which has spent lavishly on the military for decades, Kansas government can’t print its own money.

To reach editorial page columnist Yael T. Abouhalkah, call 816-234-4887 or send email to abouhalkah@kstar.com.

Twitter [@YaelTAbouhalkah](#).

Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/yael-t-abouhalkah/article9655001.html#storylink=cpy>

Gov. Sam Brownback rescinds protected-class status for LGBT state workers in Kansas

BY BRYAN LOWRY

THE KANSAS CITY STAR

02/10/2015 3:55 PM

TOPEKA

Kansas Gov. Sam Brownback signed an executive order Tuesday rescinding a protection for lesbian, gay, bisexual and transgender state workers put into place eight years ago by then-Gov. Kathleen Sebelius.

Sebelius' executive order in 2007 said state workers could not be discriminated against, fired or harassed because of their gender identity or sexual orientation.

Brownback, a Republican, issued an additional executive order affirming that state employees could not be discriminated against because of their race, religion, gender, age or country of national origin.

“This Executive Order ensures that state employees enjoy the same civil rights as all Kansans without creating additional ‘protected classes’ as the previous order did,” Brownback said in a short statement that did not specifically refer to sexual orientation or gender identity. “Any such expansion of ‘protected classes’ should be done by the legislature and not through unilateral action.”

He said the order also reaffirmed commitment to “hiring, mentoring and recognizing veterans and individuals with disabilities.”

Tom Witt, executive director of Equality Kansas, the state's leading LGBT rights group, said state workers could now be judged on whom they love at home rather than on their job performance.

“This action by the governor is an outrage,” he said. “Gay, lesbian, and transgender state employees across Kansas have trusted they would be safe from discrimination and harassment in their workplace but Sam Brownback has, by erasing their job protections, declared ‘open season’ on every one of them.”

Democrats called the move regressive and discriminatory. Republicans were mixed in their reactions.

Rep. John Wilson, a Lawrence Democrat, accused the governor of trying to “divert attention from his irresponsible management of the state and focus on divisive and discriminatory social issues.”

House Democratic Leader Tom Burroughs of Kansas City, Kan., said in a statement that “Brownback is playing to his base and attempting to distract from the serious budget crisis facing our state. The bottom line is this: All Kansans deserve to be treated fairly and with respect and no Kansan should be denied equal protection under the law.”

Rep. J.R. Claeys, a Salina Republican, called the notion that a state worker could be fired for being gay unfortunate.

“No one,” he said, “should be made to feel ashamed of who they are and I don’t think anyone should ever lose their job for being gay.”

Rep. John Rubin, a Shawnee Republican, a former federal judge, defended the governor’s decision from a legal standpoint, saying that if sexual orientation isn’t a protected class at the federal level, then the issue should be up to the Legislature to decide.

“ Until sexual orientation is either added in Kansas as a protected class under our law or added federally, which it isn’t now ... I think that’s the Legislature’s prerogative,” Rubin said. “Whether they should be a protected class is a separate question. ... But it isn’t a protected class until we say it is.”

Dave DePue, director of the Capitol Commission, a Christian organization, said that if Democrats want to include sexual orientation as a protected class, they should do it

through a bill rather than an executive order. DePue often advises Brownback on social issues, but he said Tuesday's executive order came as a surprise.

Brownback also rescinded eight other orders put into place by Sebelius and Mark Parkinson when the two Democrats were governors of Kansas. He officially ended several councils and task forces set up by the two, including the Kansas Broadband Advisory Task Force and the Interagency Working Group for Wind Energy, which had been inactive.

To reach Bryan Lowry, call [785-296-3006](tel:785-296-3006) or send email to blowry@wichitaeagle.com.

Read more here: <http://www.kansascity.com/news/government-politics/article9694028.html#storylink=cpy>

Kansas lawmaker seeks fashion feedback

BY BRAD COOPER

THE KANSAS CITY STAR

02/16/2015 4:51 PM

02/16/2015 4:51 PM

Aside from an ill-advised remark several years ago about shooting undocumented immigrants from helicopters, state Rep. Virgil Peck is known for something else: his colorful sport coats.

The legislator ultimately apologized for his comment about shooting immigrants. But he remains loudly proud of his quite loud wardrobe.

The Tyro Republican wears his coats in orange, green, pink, aqua and just about any color of the rainbow. Peck has so many different colored coats that it would have made Sonny from Miami Vice jealous.

Now, Peck wants to know your favorite jacket. And he's asking folks to vote for their favorite blazer on his website. Go to the the site and [cast your ballot](#).

Read more here: <http://www.kansascity.com/news/local/news-columns-blogs/the-buzz/article10481447.html#storylink=cpy>

Capitol Watch: Missouri retreats to 1776, Kansas to the 1950s

02/13/2015 7:17 PM

02/13/2015 7:19 PM

This will be remembered as the week that “manly firmness” leaped from the script of the Declaration of Independence into a Missouri legislative resolution.

The wording worked just fine back in 1776 when the founders commended the citizens for opposing the tyranny of King George III.

But in a resolution directing Missouri's congressional delegation, which includes three women, to repeal the Affordable Care Act, Rep. Mike Moon's usage provoked hilarity.

This was also the week that comedian Jon Stewart, on “The Daily Show,” pilloried Gov. Sam Brownback's vision of Kansas as “no place like homophobia.” That hurts, but Brownback earned the ridicule by inexplicably rescinding job protections for state employees who are gay, lesbian, transgender or bisexual.

In other news:

Kansas sitcom

Child welfare experts picked apart Sen. Forrest Knox's idea of creating an elite category of foster parents who could earn special privileges, such as permission to home-school children. Qualifying couples would have to be heterosexual, faithfully married for at least seven years, abstain from tobacco and alcohol, and have one stay-at-home parent.

Knox and his wife are long-time foster parents. For that they should be commended. But that doesn't mean families that look different than his can't do a good job caring for children. Or that the state should automatically assume children are safe if placed with a family that fits Knox's definition of "normal."

Knox, a Republican from Altoona, said he thinks children do best in a "Leave it to Beaver" kind of household. Unfortunately, Ward Cleaver smoked in that 1950's sitcom, and was known to keep a bottle of brandy in the house. So even the Cleavers wouldn't qualify as one of Knox's special families.

Knox is right that Kansas doesn't have enough high quality foster homes. That can be corrected through careful selection, training and supervision of parents, as well as better compensation. Knox ought to work toward those goals.

Advantage, Mr. Grissom

Kansas Secretary of State Kris Kobach told a Topeka television station last year that he forwarded cases of suspected voter fraud to U.S. Attorney Barry Grissom, who has said voter fraud doesn't appear to be a problem in Kansas.

Kobach said Grissom "doesn't know what he's talking about."

The Associated Press smartly sent an open records request to Grissom, who is based in Kansas.

Grissom produced a letter he sent to Kobach on Nov. 6.

"Going forward, if your office determines there has been an act of voter fraud please forward the matter to me for investigation and prosecution," Grissom wrote. "Until then, so we can avoid misstatements of facts for the future, for the record, we have received no voter fraud cases from your office in over four and a half years."

Kobach's rather weak response to The AP was that he prefers to send suspected voter fraud cases to county attorneys rather than to Grissom, though he's not satisfied with their response either, and he really wants his office to be empowered to prosecute voter fraud.

Given Kobach's penchant for overreach and untruthfulness, the Kansas Legislature would make a very big mistake by giving him that authority.

Highs and lows

It doesn't happen often, but the Missouri Senate granted unanimous approval to a bill this week.

For good reason. The bill would prevent Missouri cities from collecting more than 20 percent of their general revenue from traffic fines. Punitive traffic enforcement against low-income citizens was one of the issues that came to light in the season of unrest that began when a police officer shot a black teenager in Ferguson.

In a much more contentious vote, the House passed a "right to work" bill that would prevent unions from collecting fees from non-members, even though those workers benefit from union bargaining.

The vote was 92 to 66, short of the 109 votes needed to overturn an almost certain veto by Gov. Jay Nixon. Right to work laws are a badge of honor for GOP-controlled legislatures. An attempt to achieve it is unfortunately an annual exercise in Missouri, even though there is scant evidence to suggest that undercutting unions would result in a jobs boom, as supporters contend.

Read more here: <http://www.kansascity.com/opinion/editorials/article10157915.html#storylink=cpy>

Paul Davis re-emerges on Facebook, lashes out at Brownback

02/12/2015 9:20 AM

Could it be the start of a political comeback?

Defeated but unbowed, Democrat Paul Davis resurfaced on Facebook late Wednesday with words of political encouragement for his supporters after narrowly losing to Republican Gov. Sam Brownback last fall.

Davis, a Lawrence attorney, blasted Brownback for proposed tax increases, cuts in education and an executive order removing legal protections for gay, lesbian and transgender state employees.

“I know you feel discouraged, but it is more important than ever to stay engaged, share information with your neighbors, and talk to lawmakers,” Davis said in his post.

“Gov. Brownback relies on his legislative allies to support his agenda, and they will all be on the ballot in 2016. Let's keep fighting. Are you with me?”

As of this morning, the post had 8,866 “likes.” Here is a link to the [post](#).

Brad Cooper, bcooper@kstar.com

Read more here: <http://www.kansascity.com/news/local/news-columns-blogs/the-buzz/article9791765.html#storylink=cpy>

Kris Kobach exposed in phony Kansas voter fraud claim

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

02/16/2015 3:33 PM

Kansas Secretary of State Kris Kobach’s credibility took a huge hit recently.

People need to know about it, especially as Kobach continues his drives to make it more difficult to vote and harder to put in place sensible immigration reform.

As The Associated Press reported last week, U.S. Attorney Barry Grissom essentially [called Kobach out for lying about voter fraud](#) cases.

In this case, Kobach had claimed last year that he had referred some election fraud cases to Grissom and that “Grissom didn’t ‘know what he’s talking about’ when he said voter fraud doesn’t exist in Kansas.”

Oops.

The Associated Press obtained Grissom's response to Kobach. It included this gem:

"...So we can avoid misstatements of facts for the future, for the record, we have received no voter fraud cases from your office in over four and a half years. And, I can assure you, I do know what I'm talking about."

Because of Kobach's misleading statements on this issue, the Kansas Legislature should not listen to his repeated requests to give him the power to press voter fraud charges in the state.

His claim that other attorneys won't pursue the cases is demonstrably false, as Grissom has shown.

Plus, why would the Legislature effectively want to deputize the secretary of state to pursue these charges when there are so few cases of election fraud in the first place (except in the fertile imagination of Kris Kobach)?

The Legislature has seen once again in recent days that Kobach can't be trusted to tell the truth on an essential matter. There's no good reason to give Kobach even more power to go gallivanting around the state and nation spreading his brand of nonsense on that issue.

To reach editorial page columnist Yael T. Abouhalkah, call 816-234-4887 or send email to abouhalkah@kcstar.com.

Twitter [@YaelTAbouhalkah](https://twitter.com/YaelTAbouhalkah).

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