

**The Topeka Capital-Journal**

# State revenue numbers due Friday

## Kansas faces \$279 million shortfall

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By [The Associated Press](#)

Kansas officials are awaiting word on whether state tax collections this month met expectations.

The state Department of Revenue's report Friday afternoon was coming as lawmakers worked on proposals to eliminate a projected \$279 million shortfall in the state's current budget.

The state also faces an additional, projected \$436 million gap between anticipated revenues and spending commitments for the fiscal year that begins July 1.

The projected gaps are pegged to revenue predictions made in November. Tax collections in December were \$15 million short of expectations.

The budget shortfalls arose after lawmakers aggressively cut personal income taxes in 2012 and 2013 at Brownback's urging to stimulate the economy. Some Brownback critics contend that it's been difficult since to project how much the reductions have cost the state.

# U.S. economy slowed last quarter, but signs are pointing up

## Economy grew at rate of 2.4 percent for year

Posted: [January 30, 2015 - 8:08am](#)

By [Martin Crustinger](#)

**The Associated Press**

WASHINGTON — The U.S. economy slowed in the final three months of 2014, but a burst in consumer spending and the prospect of continued low energy prices are bolstering confidence that growth will strengthen this year.

The economy, as measured by the gross domestic product, grew at a 2.6 percent annual rate in the October-December period, the government said Friday. That was down from a sizzling 5 percent gain in the previous quarter.

Though business investment, government spending and trade weakened, consumers signaled rising confidence by stepping up their spending at the fastest rate in nearly nine years. Thanks to steady job growth, tumbling oil prices and signs that pay may finally be picking up, Americans appear poised to keep the economy expanding at a solid pace. On Friday, the University of Michigan reported that its index of sentiment showed that U.S. consumers are more confident than they have been since January 2004.

Also Friday, the government said wages and benefits are ticking up, a sign that steady job gains may be compelling employers to pay a bit more. An index that measures pay and benefits rose 2.2 percent in 2014, up slightly from 2 percent in 2013 and ahead of inflation, which rose 1.3 percent.

Though the overall GDP figure for last quarter was mildly underwhelming, many of the components of the report were consistent with an economy that's outpacing others around the world and is on course to post solid growth this year.

Paul Ashworth, chief U.S. economist at Capital Economics, said the fourth quarter's slowdown is "nothing to worry about."

Ashworth noted that the result was heavily influenced by a swing in the volatile defense spending category. He pointed to the acceleration in consumer spending as more indicative of where the economy is headed.

"With the collapse in energy prices increasing households' purchasing power, we expect strong consumption growth to continue driving GDP growth in the first half of this year," Ashworth said.

For 2014 overall, the economy grew a moderate 2.4 percent. The year began on a sour note as a brutal winter sent the economy into reverse. GDP dropped at a 2.1 percent annual rate in the first quarter. But the economy rebounded, with growth averaging a 4.1 percent annual rate over the next three quarters.

Many analysts expect growth above 3 percent this year. That would mark a significant acceleration after a prolonged period of weakness. Since the recession ended in 2009, the economy's expansion has averaged 2.2 percent a year, far below the gains typical after a deep recession.

In the October-December period, consumer spending — which accounts for roughly 70 percent of the economy — grew at a 4.3 percent rate, up from 3.2 percent in the third quarter. It was the best gain for consumer spending since the first three months of 2006.

But business investment in equipment shrank after big increases in the previous two quarters. Economists partly blamed the weakness on cutbacks in oil and gas drilling by energy companies grappling with the plunge in energy prices.

Government spending fell at a 2.2 percent annual rate after a 4.4 percent gain in the third quarter. The third quarter had been bolstered by a 16 percent rise in defense spending, which backpedaled last quarter.

Trade reduced growth by a full percentage point in the fourth quarter. Business stockpiling added 0.8 percentage point.

The government's estimate of GDP — the total output of goods and services — was the first of three for the October-December quarter.

Even with the fourth quarter slowdown, the U.S. economy is still the star of the global economy. Europe is battling renewed weakness, Japan is in a recession, and even growth in China slowing.

Last week, the International Monetary Fund cut its outlook for global growth over the next two years, warning that weakness in most major economies will trump lower oil prices. But the IMF increased its outlook for the U.S. economy, pegging growth this year at 3.6 percent. If that forecast proves accurate, it would mark the fastest annual U.S. growth in over a decade.

"It took us awhile to get here, but I think the economy is finally off and running," said Mark Zandi, chief economist at Moody's Analytics. "Businesses are hiring aggressively, and the big drop in gas prices means that people have more money to spend on other items."

Global oil prices have fallen nearly 60 percent in seven months, with the nationwide average for gasoline now around \$2 a gallon. That decline translates into a savings for consumers of about \$175 billion, Zandi said.

"A big part of growth this year will be people spending their gas savings," he said.

The Federal Reserve on Wednesday took note of the brightening economic picture while pledging to remain "patient" in deciding when to begin raising interest rates from record lows.

The Fed has leeway to be patient because the weaker global economy has helped strengthen the dollar against other countries, and gasoline prices are plunging. Both developments are helping to hold down already-low inflation.

# State will have cash flow problems by mid-February without legislation

## Lawmakers take up bill to transfer funds

Posted: [January 28, 2015 - 10:27am](#)

By [Jonathan Shorman](#)

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Lawmakers must pass budget legislation in less than a month or the state will begin to experience cash flow problems, an administration official said Wednesday.

Budget director Shawn Sullivan indicated the state will have problems meeting its financial obligations in mid-February unless the Legislature takes action to approve a series of fund transfers and budget reductions for the current fiscal year.

“Cash flow gets tight by the middle of February. There’s \$45 million of school payments that go out February 17,” Sullivan said.

Sullivan’s comments came after the House Appropriations Committee wrapped up a meeting where lawmakers met to consider a so-called rescission bill that will make the budget adjustments necessary to keep the state paying its bills on time. The Senate Ways and Means Committee also met to consider similar legislation.

House Appropriations chairman Rep. Ron Ryckman Jr., R-Olathe, promised action soon. He said he intends to pass the bill out of his committee by early next week. Senate Ways and Means chairman Sen. Ty Masterson, R-Andover, said his committee will work on the bill early next week.

“We’re going to pay our bills, and we’re going to pay them on time,” Ryckman said.

The fund transfers — totaling more than \$253 million — are needed to close a budget shortfall for the current fiscal year, which ends at the end of the June. State revenue has fallen short of estimates, requiring the budget reductions.

For the current fiscal year, revenue is expected to come in \$280 million below expectations. A shortfall of \$436 million also is expected for the next fiscal year.

“Obviously, the accounts ebb and flow, but we do want to make sure we don’t have a cash flow situation and that our bills are paid,” Ryckman said.

Gov. Sam Brownback, a Republican, has cut the budgets of some agencies by 4 percent in early December. But the transfers require legislative approval.

The transfers include \$158 million from the state highway fund and \$55 million from the medical programs fees fund, among others. J.G. Scott, with Legislative Research, told senators revenue from the medical programs fees fund was higher than anticipated because of pharmacy rebates under the Affordable Care Act.

Transportation advocates urged lawmakers to oppose the proposed legislation. Bob Totten, executive vice president of the Kansas Contractors Association, said further transfers from the highway fund could harm transportation projects in the state.

The Brownback administration maintains that current projects under the state's transportation improvement program, T-Works, will be completed. But Totten is less certain.

"We know further cuts or transfers from (Kansas Department of Transportation) will jeopardize the completion of T-Works as it was conceived and passed in 2010. We believe that in addition to filling the budget holes in the coming years, projects in 2018, 2019 and 2020 are at risk," Totten said in written testimony.

Also in the legislation is a \$14.5 million transfer out of the Kansas Endowment for Youth (KEY) fund. Kansas Action for Children and others have reacted critically to the fund transfer. Sen. Laura Kelly, D-Topeka, said she has no expectation that the fund can be spared in the budget process.

"The commitment to protecting that funding and ensuring it's used for kids is greatly diminished, I think," Kelly said.

Even if lawmakers agree to approve the fund transfers for the current fiscal year, the state still faces a grim fiscal situation next year as well. Earlier in January, Brownback proposed a budget for the next two fiscal years that will continue agency cuts and level off income tax rate cuts.

In addition, the governor's budget calls for hikes in cigarette and liquor taxes. Kansas' per pack cigarette tax would climb from 79 cents to \$2.29.

Legislation to increase cigarette and liquor taxes hasn't yet been introduced, but that is expected to change soon. A revenue spokeswoman said the Office of the Revisor, which helps craft legislation, is working on the bill.

"The legislation is with the revisor and they are working on finalizing it," said Jeannine Koranda, Department of Revenue spokeswoman.

# Kansas unemployment rate unchanged in December

## Topeka lost jobs compared with November

Posted: [January 23, 2015 - 9:38am](#)

By [Megan Hart](#)

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The Kansas unemployment rate held steady at 4.2 percent in December.

That was statistically unchanged from November after seasonal adjusting, and down slightly from 4.9 percent in December 2013.

Statistics from the Kansas Department of Labor showed 1,436,564 people were employed in December, up 4,510 from November and 31,329 from December 2013.

The number of jobs also increased. The state recorded 1,395,500 jobs in December, an increase of 1,700 from November and 12,800 from December 2013. The number of employed people and the number of jobs often are different because the jobs numbers don't count people who are self-employed or work in private homes.

The Topeka metropolitan statistical area, which includes Shawnee, Jackson, Jefferson, Osage and Wabaunsee counties, lost 600 seasonally adjusted jobs in December, but remained up 900 jobs compared with December 2013. The Kansas City and Lawrence areas were only two of the five Kansas metropolitan areas to add jobs

in December. All five areas added jobs year-over-year, with Kansas City leading the way with 7,100 new jobs and Lawrence a distant second with 1,900.

Statewide, construction and education and health services had the most seasonally adjusted growth in December, adding the equivalent of 1,100 jobs each. The only education jobs included in that category are those at private schools, according to Tyler Tenbrink, a senior labor economist at the Department of Labor, so the category mostly reflects changes in the health industry. Government was the biggest loser, shedding 600 jobs.

When compared with December 2013 numbers, education and health services and professional and business services were the brightest spots, adding 4,500 and 4,200 jobs, respectively. Manufacturing saw the biggest decrease, losing 2,600 jobs.

About 18,577 people applied for unemployment benefits in December. That was up from 12,003 in November, but down from 19,749 in December 2013. Unemployment claims are a rough measure of layoffs, but are volatile because of the seasonal nature of some businesses.

Continued unemployment claims also were up from 68,018 in November, hitting 97,398 in December. Still, they were down from 124,370 in December 2013.

Most industries in Kansas saw reduced hours in December compared to November and to December 2013. The exception was construction, where hours were up 3.4 percent compared to both periods.

Average hourly earnings were up for every sector but “other services.” All of the eight sectors except construction saw reductions in weekly pay compared to November. The picture was brighter compared to December 2013, however, and every sector but “other services” took home more on average at the end of the week than at the same time last year.

## Members of both parties criticize Brownback tax plan

By **Tim Carpenter**

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The House and Senate’s Democratic leaders said Friday there was deep bipartisan skepticism about Gov. Sam Brownback’s recommendations to significantly raise Kansas cigarette and liquor taxes.

Some of their Republican colleagues at the Capitol concurred, but couched apprehension in less volatile rhetoric.

Brownback proposed about \$200 million be raised with adjustments to these “sin taxes” in response to budget deficits of more than \$700 million over the next 18 months.

State lawmakers with profound philosophical differences said in interviews Brownback’s tax strategy was either on political life support or could be viewed as dead on arrival. The governor suggested the state nearly triple the cigarette tax and increase by 50 percent the tax bite on liquor — a bitter pill for some legislators serving Johnson County and other border counties or communities.

“The tax plan doesn’t have a whole lot of popularity,” said Rep. Scott Schwab, R-Olathe.

House Minority Leader Tom Burroughs, D-Kansas City, said the supply-side income tax reductions authorized in 2012 and 2013 by the Republican-led Legislature and Brownback had directly resulted in the state's budget shortfall. They cut the top personal income tax rate 29 percent and exempted owners of 190,000 businesses from all income tax.

The governor's latest tax reform ideas — including a freeze on new income tax reductions in 2016, as well the budget package of one-year transfers and permanent spending cuts — didn't properly address the crisis, he said.

"These changes to tax policy proposed by Governor Brownback do nothing to address the systematic problem created by his irresponsible tax policies and fiscal mismanagement," Burroughs said.

Sen. Garrett Love, R-Montezuma, said lawmakers were embarking on a three-month debate that would produce a reasonable bill that balanced the state's budget in the current year and upcoming fiscal year.

"By the end of the day, we'll have a package that is different than Day One," Love said.

Sen. Laura Kelly, D-Topeka, said there was sufficient bipartisan consternation in the House and Senate with the governor's tax blueprint that the ideas could be characterized as dead in the water.

"From the hall talk," she said, "I'm hearing that in both sides and both chambers. People are being asked to take politically difficult votes on proposals that don't solve the problem."

In response to dissent expressed Friday by the Democratic leadership, Brownback issued a statement that he had urged Burroughs and Senate Minority Leader Anthony Hensley, D-Topeka, in a private meeting this week to step forward with alternatives for addressing budget issues.

"As I said in my State of the State address, I welcome discussion on the issues and encourage legislators to put forth their suggestions on what they would do to make it better," Brownback said.

Neither Hensley nor Burroughs said their Democratic caucuses were planning to unveil a broad plan for reforming tax or budget policy. Individual Democrats are likely to introduce bills or amendments that seek to alter the tax burden Republicans had placed on low- and middle-income Kansans, they said.

"There, obviously, is a fundamental difference here between our perspective and his perspective on the issue," Hensley said.

"What we will support," Burroughs added, "is a fair, equitable tax plan in which everyone pays their fair share."

In the governor's new budget plan, he would increase the state cigarette tax to \$2.29 a pack from 79 cents. He would raise the tax on other tobacco products to 25 percent from 10 percent. He also would have consumers of beer, liquor and wine to pay a tax of 12 percent, up from 8 percent.

In addition, Brownback suggested the state divert more funding from the Kansas Department of Transportation and delay state contributions to the Kansas Public Employees Retirement System.

He also proposed the state's lowest income tax rate of 2.7 percent be reduced to 2.66 percent. It is scheduled to fall to 2.4 percent next year. Phasing out of tax deductions, including the one on interest paid on home mortgages, would occur two years early and add a combined \$71 million to the state treasury in fiscal 2016 and 2017. He estimated an amnesty program for tax dodgers might bring in \$30 million in 2015.

## More than 70,000 Kansans have signed up for ObamaCare through insurance exchange

Open enrollment ends Feb. 15

Posted: [January 27, 2015 - 2:16pm](#)

By [Megan Hart](#)

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More than 3,100 people in the city of Topeka will get insurance through the federal exchange, according to data from the U.S. Department for Health and Human Services.

Data on enrollments by zip code showed 3,190 people with addresses in Topeka signed up through the exchange. Countywide, 4,013 people signed up. The data includes people who selected a new plan this year and those who automatically were reenrolled in the same plan they had last year.

Statewide, 72,881 people had signed up as of Jan. 16, and another 7,475 were determined to be eligible for coverage through Medicaid or the Children's Health Insurance Program. Nationwide, about 9.5 million people either selected a plan or were reenrolled automatically. HHS estimated about 42 percent of those who signed up both in Kansas and across the country were new to the exchange. The percentages of new customers ranged from 33 percent to 46 percent across the 37 states using the federal exchange.

Open enrollment ends Feb. 15. After that date, only people who had some kind of qualifying event, like losing job-based coverage, having a baby or getting divorced will be able to buy insurance through the exchange until the next open enrollment period begins in the fall.

About 80 percent of those who enrolled in Kansas qualified for financial assistance based on income and family size, according to HHS.

Despite concerns about a "death spiral" caused by older, sick people flocking to the exchange and raising premiums to unsustainable levels, about 35 percent of the people who signed up through the federal exchange in the 37 states using were younger than 35. In Kansas, 39 percent were younger than 35, though that percentage could change in the last month of enrollment.

People who want to sign up can do so on their own at [www.HealthCare.gov](http://www.HealthCare.gov), or can get help from the federal call center at (800) 318-2596. For local help, call the Hospital Assistance Program, (785) 235-6800; St. Francis Health, (785) 270-7622; Shawnee County Health Agency, (785) 251-2136; Stormont-Vail HealthCare, (785) 354-6082; Positive Connections, (785) 232-3100; Valeo Behavioral Health Care, (785) 783-3124; Family Service and Guidance Center, (785) 232-7903; or Jayhawk Aging and Disability Resource Center, (785) 235-1367.

## Schools for Fair Funding alliance seeks to revive resolved portion of Gannon v. State finance lawsuit

Alliance of Gannon schools say Legislature not complying with Supreme Court's 2014 decision

Posted: **January 29, 2015 - 9:40am**

By **Celia Llopis-Jepsen**

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An alliance of school districts suing the state over what they argue is unconstitutionally low funding says it has filed to reopen part of the lawsuit resolved last year.

Schools for Fair Funding, the dozens of school districts sponsoring the Gannon v. State lawsuit, said on its website Thursday that it has “filed a new motion to reopen the equity issue.”

The Gannon lawsuit comprises two main claims: that poorer school districts aren’t receiving equitable funding compared with wealthier districts, and that total state aid to schools is inadequate.

Last year, the Kansas Supreme Court ruled on the first claim, ordering the state to restore full payments of equalization aid that go to districts with lower per-pupil local tax revenue. The Legislature complied with a bill that restored those funds, though the bill was contentious because it trimmed funding elsewhere in school budgets and included a number of controversial changes to education policy, including stripping teacher tenure out of state law.

The alliance of school districts argues that the Legislature, which is planning cuts in state spending to handle a massive shortfall in tax revenue, is now renegeing on restoring the equalization payments.

“In response to the Kansas Supreme Court’s March decision, the Kansas Legislature adopted the State’s Senate Substitute for House Bill 2506 (“H.B. 2506”), purportedly restoring approximately \$129 million in funding to Kansas schools,” the alliance says. “Now, the State has revealed it is approximately \$63 million short of fully funding equalization aid for FY15.”

“As seems to happen all too frequently in school finance litigation, the Legislature once again adopted legislation that would allow it to meet its constitutional obligations, but then chose to fund that legislation at unconstitutional levels,” it says.

The Legislature hasn’t passed a decision yet on funding cuts for this fiscal year, and the heads of the House and Senate budget panels criticized the move.

“I can understand in this age of misinformation and hasty litigiousness, combined with a complicated school finance formula, the SFFF could rush to the courts without complete understanding of what Appropriations Committee is doing,” said House Appropriations chair Rep. Ron Ryckman Jr., a Republican from Olathe.

“Regardless, the committee worked to ensure that all \$126.2 million in additional equalization funding the Legislature intended to put into schools last spring is included in the rescission bill.”

Sen. Ty Masterson, an Andover Republican and chair of the Senate’s budget committee, responded to questions about the alliance’s announcement with a brief statement.

“Regarding the state’s funding of equalization, the Legislature fully funded equalization last year according to the current definition of equalization,” Masterson said. “I’m confident that the Legislature will continue to fully fund equalization according to whatever that definition may be now or in the future.”

The Legislature didn’t appropriate full equalization payments last fiscal year as calculated by a statutory formula for that aid, but some lawmakers argue that annual appropriations bills passed each year override this, because they constitute more recent legislation.

Masterson’s committee is considering a bill that would cut about \$40 million in equalization aid for the current fiscal year. It would do so by changing the formula for one kind of equalization aid, known as supplemental general or local option budget aid.

Eileen Hawley, spokeswoman for Gov. Sam Brownback, responded to the alliance’s announcement by reiterating the governor’s call for a new school finance formula.

“As the governor said in the State of the State, we need a time out in the school funding wars,” Hawley said, “so we can develop a new formula that reflects real-world costs and puts dollars in classrooms with real students to improve academic achievement.”

The governor’s budget proposal, unveiled earlier this month, would cut state aid for everyday school operating costs by more than \$100 million next year. Overall funding would decrease by about \$22.6 million.

## Senator says Common Core bill would protect schools

### Knox revives effort to scrap math and reading standards

Posted: [January 28, 2015 - 1:52pm](#)

By [Celia Llopis-Jepsen](#)

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The sponsor of a bill to ban Kansas' standards for teaching math and reading says his goal is to preserve the rights of schools to make decisions unfettered by federal directives.

Sen. Forrest Knox, a Republican from Altoona best known for his efforts to enable more people to carry concealed handguns, said he introduced the measure last week at the behest of other people, and opposes the math and reading standards as an example of "federal overreach."

"The restrictions the feds put on schools, I think, is the most significant problem, the hurdle, that we face with education," he said. "My teachers in rural Kansas know how to teach."

Knox said the math and reading standards, also called the Common Core, are an "unfunded mandate" from the federal government. He didn't answer repeated questions about which people or groups he had worked with to introduce the bill.

"There's people that are working on these things that are smarter than I, so I introduced it for them," he said.

Critics of the bill, such as Rep. Melissa Rooker, R-Fairway, said Knox's proposal would encroach on local decisions and infringe on the constitutional role of the Kansas State Board of Education.

"It floors me that we want to argue that this gives local control," Rooker said, "when we're actually proposing a law that would interfere with the ability of districts to choose whether they're going to offer certain classes or things based on whether or not they're aligned with the Common Core."

Citing the district she represents, Shawnee Mission, as an example, she said schools have spent four years investing in the new standards, such as by training their teachers.

"As they're getting settled into this, it's very liberating to give them time to do better with project-based learning and the kinds of deep explorations with their students that No Child Left Behind didn't allow," she said. "And we're suddenly going to pull the plug on that?"

She took aim at provisions in the bill that would require advanced high school courses, such as the Advanced Placement and International Baccalaureate programs, to be aligned to homegrown Kansas standards. AP is a college-credit program operated by the College Board and IB is tied to international standards.

On whether the bill could cause schools to run afoul of College Board requirements for AP classes, Knox said: "I don't think that's the case."

The Common Core is a multi-state initiative, not a federal one, but according to Education Week, the federal government offered states more points in Race to the Top grant competitions if they adopted the Common Core.

Additionally, in order to receive waivers from stringent No Child Left Behind policies, states had to adopt math and English standards meant to better prepare students for college and careers. The Common Core was approved as meeting that criterion, though states could use other standards.

The Kansas State Board of Education adopted the Common Core in 2010. Kansas didn't receive Race to the Top grants. It received a No Child Left Behind waiver in 2012.

Knox's bill would also ban the state's science standards, another multi-state initiative called the Next Generation Science Standards.

Seen nationally, criticism of Common Core is diverse, ranging from teachers unions concerned about policy and testing decisions in their states to lawmakers with arguments similar to Knox's.

In Kansas, conservative Republican lawmakers have led the charge, with urging from skeptical parents and members of Americans for Prosperity-Kansas.

Kansas' main teachers union doesn't oppose the standards, and the vast majority of teachers and school administrators who have testified about the Common Core in the Legislature or at the state board have voiced support for it.

This is the third year in a row that a bill against the Common Core has surfaced in the Legislature. Similar bills have cropped up in statehouses across the country.

## Audit: Andover school used loophole in state aid

### School district partnership with Catholic schools questioned

Posted: [January 28, 2015 - 6:11pm](#)

By [Celia Llopis-Jepsen](#)

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A virtual school in Andover provided curriculum to private schools on the state's dime, including the students in its virtual enrollment, a new audit says, but state education officials say the arrangement was legal.

Last school year, Andover Unified School District 385 counted Wichita-area Catholic school students as part-time virtual students, but didn't instruct or support them, the report says. USD 385 provided its virtual school Andover eCademy courses to the private schools, where the students worked on them.

"As such, the state is essentially providing funding to Andover to act as a liaison between the private schools and the curriculum vendor," the audit said. "The Virtual School Act does not explicitly prohibit this type of arrangement, but it seems unlikely that the Legislature intended to have curriculum provided to private schools in this manner."

The audit says the Kansas State Department of Education approved the students for virtual school funding.

"By law, the students that were enrolled in that virtual program were therefore enrolled as part of the Andover district," Denise Kahler, communications director for the department, said Wednesday. "Andover was following the law."

Andover superintendent Greg Rasmussen said the local diocese approached his district about using the eCademy courses, and his district "went through all the channels to make sure that was appropriate."

Rasmussen said public virtual schools serve many home-schooled students, whose families pay taxes, as do the parents of private school students.

"We kind of equated that to offering it to the home-school families," he said. "We see that as somewhat the same."

But the audit concludes the private school students were in actual school buildings, whereas virtual schooling is for students separated by time and location from teachers.

Last spring, lawmakers considering cuts to virtual school funding ordered an audit of these nontraditional schools, which are championed by advocates of school choice and educators who say not all students thrive in or are able to attend brick-and-mortar schools. That could include, for example, students who are chronically ill, have experienced bullying or are training for sports.

Kansas has 48 virtual schools, which served the equivalent of 6,400 full-time students last school year. The schools offer full- and part-time K-12 education and adult diploma completion programs.

The audit found operating costs varied.

Virtual education cost an estimated \$2,500 less per part-time student than districts received in state aid, auditors said. That means Andover, which serves most of the state's part-time virtual students, received about \$1.4 million in extra funds for its part-time students.

Rasmussen noted, however, that the audit found the state's funding for full-time virtual students to be inadequate. The district has a little more than 300 full-time virtual students, he said. By the report's estimates, that would mean that district's services for those students were underfunded by \$120,000 to \$450,000.

The audit estimated virtual schooling for full-time K-12 students costs about \$400 to \$1,500 per pupil more than the state provides.

In a written response to the audit submitted to legislators, he says "we recognize there are areas for improvement in both the delivery and funding structure" of virtual schools. But he urges lawmakers not to act without researching these schools fully.

"Virtual learning has the potential to transform education in Kansas," he writes, "and just like any other new concept, a few ill-timed moves can jeopardize the entire movement."

Meanwhile, virtual enrollment muddies calculations of equalization aid, the audit said, which “allows some districts to receive more funding than intended.”

Virtual school students performed similarly on state math and reading tests to traditional students. But adult students made little progress toward their high school diplomas, the audit said.

For virtual schools with adult diploma programs, districts received state aid amounting to \$4,800 to \$5,600 per student more than they needed. That was because districts received funding for full-time students, the audit said, but adults typically enrolled in half as many classes per year.

Until last year, school districts had another incentive to start up virtual schools apart from virtual school state aid. The virtual enrollment entitled them to increase their local option budgets. Local option budgets are the second-largest source of funding for Kansas schools. They are funded with property taxes, and districts with weaker tax bases qualify for state aid to supplement their local revenue.

## Kansas to appeal school finance ruling

### Attorney General Derek Schmidt addresses lawmakers Friday morning

Posted: **January 23, 2015 - 12:09pm**

By **Jonathan Shorman**

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The state of Kansas will appeal a school finance ruling that found the Legislature doesn't provide adequate funding of education, Attorney General Derek Schmidt said Friday morning. Later, his office announced it had filed a motion asking a clearer explanation of the ruling.

Schmidt also said he doesn't distinguish between the formula and the funding of the formula. Part of the debate over school finance has centered on whether the formula itself is flawed or simply underfunded.

Schmidt told lawmakers in the House Appropriations Committee new court filings will come soon. The appeals deadline in the case comes next week.

While many had expected the Attorney General's Office to appeal the ruling, Schmidt's Friday remarks provided confirmation that an appeal is planned.

“We're planning to appeal. I don't think that should be a surprise to anybody,” Schmidt said.

In late December, a three-judge panel ruled Kansas' school funding inadequate under a state constitutional requirement. The judges declined to set a specific funding amount that would be adequate, but said funding levels in 2009 were constitutional.

In 2009, base state aid per pupil stood at \$4,400. Though the base state aid per pupil — the basic amount the state expects to spend per student per year — had been climbing, beginning in the 2009-10 school year, it fell from \$4,400 to \$4,012. It bottomed out during the 2011-12 school year at \$3,780, before climbing to its current level of \$3,852.

Schmidt contends in his court filing that the three-judge panel didn't comply with instructions from the Kansas Supreme Court to engage in fact-finding related to its decision. The Attorney General's Office said that while both Kansas and the plaintiffs provided “findings of fact,” the court didn't wade through them and make determinations about which were correct.

Gov. Sam Brownback has called on the Legislature to repeal the funding formula this year and use a block grant system while lawmakers craft a new formula.

Rep. Mark Kahrs, R-Wichita, asked Schmidt about the timing on an ultimate outcome for the case. The timing could become key, especially if the Legislature fails to make changes this year to the ruling.

Schmidt said after the appeal is filed, the timeline will be determined by the Kansas Supreme Court. However, he said it is hard to imagine a ruling coming while the Legislature is still in session this year.

Schmidt said that while he understands the policy debate between the formula and the funding allocated to the formula, for his purposes it is all law.

“The law includes what people call the formula, but it also includes the appropriations law. We don’t make a distinction. We’re defending it all,” Schmidt said.

The attorney general also said that when the Legislature appropriates funds, it becomes the most recent law and should be controlling — the argument being that the most recent law passed, in this case appropriations for schools, should take precedence over older law, in this case the funding formula.

Although Schmidt attempted not to make distinctions between funding and the formula, Senate Minority Leader Anthony Hensley, D-Topeka, made a clear one. He said the funding is unconstitutional, not the formula.

“I believe the school finance formula has stood the test of time. What has not served the test of time is the Legislature’s commitment to adequately fund the formula,” Hensley said.

### **Marriage Brief**

After the meeting, Schmidt said he may file a “friend of the court” brief with the U.S. Supreme Court over the marriage cases that it has decided to take up.

Earlier this month, the court announced it will hear challenges to several state same-sex marriage bans, ensuring a Supreme Court ruling on marriage by June.

The Attorney General’s Office is currently defending Kansas’ same-sex marriage ban in a federal lawsuit brought by the American Civil Liberties Union on behalf of same-sex couples in the state.

“I think it would make sense to stand down the litigation until the constitutional question is either answered or not answered by the Supreme Court,” Schmidt said.

ACLU of Kansas Legal Director Doug Bonney has said the organization plans to push forward with the lawsuit, however.

## **Union, school board association compromise on teacher rights**

**KNEA, KASB tout proposal as progress through collaboration**

Posted: [January 27, 2015 - 4:47pm](#)

By [Jonathan Shorman](#) and [Celia Llopis-Jepsen](#)

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The state’s main teacher’s union has reached a compromise with school boards and school administrators that would narrow but not eliminate teacher bargaining rights.

The agreement, announced Tuesday, would keep intact the state's current list of contract items that teachers can bargain, but limit the number of items they can expect to negotiate in a single year.

Compensation, including salary and wages and supplemental contracts, would be negotiated annually. Additionally, each year, teachers and school boards would be able to pick five items each from the state's list of 30 mandatorily negotiable items, for a potential 10 items. Anything else could be discussed only with mutual approval, meaning teachers wouldn't be able to negotiate more items without the cooperation of their school board.

"Today's announcement illustrates the progress that can be achieved through meaningful discussion among education professionals," said a statement on the school board association's website.

Marcus Baltzell, communications director for the union, the Kansas National Education Association, said the proposal "was achieved through some very collaborative and open discussions."

"There was a give-and-take strategy on each part," Baltzell said, "and the result is a positive outcome, we believe, for all groups."

The proposal arose from talks over the past several months among four groups that represent teachers, school boards and school administrators. Lawmakers sparked these discussions back in 2013 when they agreed to hold off on legislative efforts to narrow bargaining rights in order to give the education groups time to try to reach an agreement.

It is unclear whether lawmakers will support the proposal or whether it will be introduced in the Legislature this year.

# State ed board to public, lawmakers: Engage with us

## Education leaders seek feedback across state

Posted: [January 25, 2015 - 6:44pm](#)

By [Celia Llopis-Jepsen](#)

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In a conference room Thursday at the Capitol Plaza Hotel, the topic on everyone's lips was education.

Scores of people — superintendents, lawmakers, parents, teachers and school board members — had gathered for the first in a 16-part statewide tour, launched by the Kansas State Board of Education and the incoming education commissioner, Randy Watson.

The goal was simple: to ask educators and members of the public what they wanted from their schools.

The participants sat in small groups, chatting and taking notes. At one table, a senator, a career education specialist, a grandparent and an assistant superintendent described schools as the path to college, the workplace or the military.

"The sooner we begin talking about what a student is interested in," said Eileen Caspers, head of career programs at Topeka Unified School District 501, "the child is constantly thinking about, 'What is the direction I want to take? What do I need to have?'"

"And the parents," added Sen. Steve Abrams, an Arkansas City Republican and former member of the state board. "They've got to be involved in the conversation."

“When you were kids, didn’t you dream about what you wanted to be?” interjected Denny Coffee, a member of a public advisory council for USD 501, whose grandchildren attend school there. “That’s important — the ability to dream.”

The others concurred, and Larry Roth, assistant superintendent of Wellington USD 353, suggested schools could do better preparing students not just for post-secondary studies, but for the major life changes they experience after graduation.

As Watson and members of the state board make their way across Kansas for two-hour conversations with anyone willing to come and participate, they will seek this type of feedback and, they say, use it to shape the direction of education policy.

“We’re in this in-between stage right now in education,” Watson said later in an interview, noting the country is moving away from the federal policy called No Child Left Behind, which had dominated the education landscape for more than a decade. “It seemed like the perfect opportunity for Kansas to redefine, ‘What is it we want from K-12?’ ”

No Child Left Behind expanded the role of testing and data in education, and measured the success of schools based largely on math and reading scores, a focus that drew criticism throughout the years.

The frustration with this focus was apparent at the Capitol Plaza meeting, when one participant said schools should restore arts education and the comment drew applause.

Watson, currently superintendent of McPherson USD 418, cited this as an example of feedback he says could guide the education department’s work.

“I think you’ll see quite a bit of change based on what the state board sees with this tour,” he said.

In recent years, the push for college and career preparation in K-12 schools and the transition from No Child Left Behind have ushered in major changes. In 2010, the state board set new standards for teaching math and English meant to be more rigorous.

The state also overhauled its math and reading tests and annual test targets for schools, and began work, along with school districts, on revamped teacher and principal evaluations. Kansas also is developing a new school accreditation system.

Though these changes already are well underway or in place, Watson maintained there is room for public input to play a meaningful role, particularly in the realms of state testing and school accountability.

Imagine, he added, if the tour revealed a strong public interest in teaching students about being good citizens. In that case, he said, the state board could elevate its efforts in that area.

But Thursday’s meeting also was meant as a signal to lawmakers, with whom the state board wants a better relationship.

“The state board and the Legislature need to communicate better, work closer together,” said Deena Horst, a Salina Republican on the state board and a former lawmaker. “I think that’s the best thing for our students.”

Both the state board and the Legislature are predominantly Republican, but the Legislature is more conservative. During the past few years, state board members have expressed frustration with lawmakers’ efforts to legislate a variety of school matters, including math and reading standards. Their goal is to ease the tension and engage lawmakers in a dialogue.

Sen. Pat Pettey, D-Kansas City, said that could be difficult.

“I don’t know that I’m overly optimistic this year, due to the budgetary issues,” said Pettey, a member of the Senate’s education panel.

Lawmakers are considering a proposal from Gov. Sam Brownback to cut school operating budgets in the face of a massive shortfall in state revenue.

“I’m concerned about the Legislature forgetting that they say they want students to be college and career ready,” she said, “and not focusing on that goal.”

# Most Kansas jobs in the future won't require much education

## Growth predictions look ahead to 2022

Posted: [January 24, 2015 - 4:30pm](#)

By [Megan Hart](#)

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Kansas can expect substantial job growth through 2022, but much of it will be in relatively low-paying jobs that don't require much education.

Tyler Tenbrink, senior labor economist with Kansas Department of Labor, gave an update on projections for the next eight years and on the current state of employment at the Kansas Workforce Summit on Thursday.

About 16,799 new jobs will be created annually and 33,777 retiring workers will need to be replaced each year, assuming there isn't another economic downturn before 2022, Tenbrink said. Of the top 20 jobs with the most predicted openings, only seven generally require a degree or certification after high school.

The five predicted to need the most new and replacement workers are retail salespersons, with 1,590 openings annually; customer service representatives, 1,198; food preparation and service workers, 1,151; registered nurses, 1,053; and laborers and material movers, 1,045.

The rate of growth for jobs requiring more education is higher, but those jobs still will make up a small percentage of all Kansas jobs in 2022, Tenbrink said. Out of the 1,609,566 jobs projected to exist in that year, 67 percent are forecast to require a high school diploma or less.

Different sectors of the state's economy had disparate experiences in the recession and recovery, Tenbrink said. Manufacturing lost 29,300 jobs and has recovered only about 400, while professional and business services, financial activities and leisure and hospitality have recovered thousands more jobs than they lost. That reflects a shift toward a service-driven economy that showed up in the last recession, he said.

Unemployment is close to where it was before the recession, Tenbrink said, hitting 4.3 percent in November, though there is still a higher number of people who would like a full-time job but can't find one than before the downturn. In Kansas, few people dropped out of the labor force because of lack of hope they could find a job, he said.

“Throughout the recession, we never really had a problem with discouraged workers,” he said. “The bigger problem we and the nation had was people working part-time for economic reasons. That will take a while to improve, I think.”

The Great Recession was different from the 2001 recession because it did damage faster and took longer to heal, Tenbrink said. Kansas lost 76,900 jobs in 22 months during the Great Recession, compared with 47,100 jobs lost in 35 months from 2001 and 2004. It took 34 months to regain the jobs lost from the recession at the start of the millennium, but Kansas regained the jobs from the Great Recession in October, 56 months after job losses bottomed out.

Average weekly hours in the private sector were up in 2014, as were hourly and weekly earnings, Tenbrink said. That shows the state is getting close to full employment, so businesses are having to offer more money or more hours, he said.

# Kansas tribes, governor's office in early talks about compact

By **Megan Hart**

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The northeast Kansas tribes are talking to the state government on a compact that could give them more control over revenue and spending on their land.

A previous compact, under then Gov. Joan Finney, allowed tribes to collect some state taxes on products sold on their land and use the funds for programs on their reservations instead of sending the money to the state treasury.

Steve Cadue, former chairman of the Kickapoo Nation, said he brought the issue up with Gov. Sam Brownback, who expressed support for it, in a meeting last year. Cadue said the governor made a verbal commitment, and he hadn't heard any indication Brownback didn't intend to follow through.

The revenue picture for the state has changed in a year, however, and the state is predicting a \$280 million deficit this fiscal year. The deficit is expected to widen to \$436 million in the next fiscal year.

Eileen Hawley, spokeswoman for Brownback's office, said the governor is meeting with the four Kansas tribes and discussing a variety of issues, including taxes. Those discussions haven't taken a definite shape yet.

"The state is willing to discuss how such a compact might work, but it will take time to have a full discussion of the issue and come to any agreement," she said. "Since we are in the early stages of those conversations, it's unlikely such a compact would be part of this year's budget."

Fred Thomas, vice chairman of the Kickapoo Nation, said they want to have more discussions with the governor's office but hope to see more investment in infrastructure on reservations in Kansas.

"We haven't seen anything yet," he said. "It's early."

Representatives from the Potawatomi, Sac and Fox and Iowa nations didn't return calls seeking comment about what their tribes' priorities would be if a compact were to go forward.

## Docking building treated after fleas discovered Exterminators also treated for bedbugs in December

Posted: [January 28, 2015 - 3:58pm](#)

By [Megan Hart](#)

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Exterminators treated the Docking State Office Building this week after fleas were thought to be living in two areas, state officials said.

Jeannine Koranda, spokeswoman for the Department of Revenue, which has offices in Docking, said exterminators treated two areas members of the public and mail frequently pass through. She said it wasn't clear how the fleas might have arrived.

"We had two localized areas that we thought had fleas," she said. "These aren't widespread issues."

The exterminators did their work Monday, Koranda said. She didn't directly answer whether the fleas had been discovered the same day they were treated.

"That's about when they were found," she said.

Koranda also emphasized that fleas aren't an unusual issue for pet owners to deal with.

"Fleas are pretty widespread anywhere, anyway," she said.

Fleas are small, reddish-brown insects that jump from host to host, feeding on blood. Though they can spread diseases, in most cases people only experience itching at the area of the bite, which often is surrounded by a red "halo."

Exterminators also treated the Docking building for bedbugs on floors one, three and 10 in mid-December, about a week after one bedbug had been discovered. Some employees alleged a nest of bedbugs had been found in an employee chair and infested a cubicle, but Koranda said a total of five bedbugs were found in the building.

A bedbug had been found and tested at the beginning of December, but no action was taken at that time because the bedbug had been dead for a time, Koranda said.

Bedbugs bite and can cause itching, but aren't thought to spread disease.

## Brownback nominates Topeka lawyer for appellate court

Gardner's career dominated by work in federal system

Posted: [January 29, 2015 - 3:48pm](#)

By [Tim Carpenter](#)

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Gov. Sam Brownback moved to fill a vacancy on the Kansas Court of Appeals on Thursday by placing into nomination a Topeka attorney who dedicated most of her legal career to serving as a clerk for a federal judge.

The governor chose Kathryn Gardner, who has served as a clerk to U.S. District Court Judge Sam Crow from 1986 to 1988 and from 2000 to the present. She also worked for a state Court of Appeals judge, Attorney General Robert Stephan and the Martin-Pringle firm in Wichita.

"Kathryn Gardner brings tremendous qualities to the Court of Appeals," Brownback said. "She is a gifted individual and accomplished attorney who is deeply committed to serving her community and the state."

Gardner said she was appreciative to the people who had helped develop her character and legal abilities.

“I am very humbled and honored by this nomination,” she said. “I have learned from the best.”

Crow, who attended the Statehouse news conference, said Gardner had been his trusted legal adviser for more than 15 years.

“Her varied litigation experience, her keen writing abilities, her solid work ethic and her pleasant personality have served me well,” Crow said. “My loss is her gain. I will miss her good counsel and her company, but look forward to calling her 'judge' for a change.”

Brownback was compelled by state law to make the selection before an early February deadline. It was the conservative Republican governor’s fourth appointment to the state's second-highest court.

The vacancy occurred when Brownback moved state Court of Appeals Judge Caleb Stegall to the Kansas Supreme Court. Stegall joined the high court in December after less than one year on the Court of Appeals. Before joining the bench, Stegall was employed at the Capitol as the governor's top staff attorney.

Under a 2013 law championed by Brownback and Republican allies, governors in Kansas possess authority to unilaterally nominate individuals to positions on the Court of Appeals. Those picks are subject to Kansas Senate confirmation.

In the past, these applicants were vetted by a nonpartisan panel and governors were required to choose from among three finalists.

Selections for the Supreme Court are drawn from among finalists submitted by the nominating commission.

Gardner graduated in 1983 from The University of Kansas’ law school and earned a degree in 1978 from Geneva College, a Christian liberal arts school in Pennsylvania. Stegall also graduated from Geneva.

She applied for a slot on the Court of Appeals at least one other time. In 2011, that vacancy was filled by another candidate.

Three years ago, Gardner wrote an article for a publication of the American Inns of Court on the career of Sandra Day O’Connor, the first woman appointed to the U.S. Supreme Court. Gardner was part of a question-and-answer session among O’Connor and about 50 lawyers.

“This personal experience confirmed all that I had read about her and reinforced her position as my role model,” she wrote. “Her character, poise, professionalism, philosophy and dedication to public service can serve as an inspiration to all of us.”

# Brownback nominates Maj. Mark Bruce for top KHP job over Shawnee County Sheriff Herman Jones

Jones had been a finalist for job

Posted: [January 27, 2015 - 9:13am](#)

By [The Capital-Journal](#)

Gov. Sam Brownback has nominated a 25-year Kansas Highway Patrol veteran as the agency’s new superintendent.

Brownback on Tuesday announced his nomination of Maj. Mark A. Bruce as KHP superintendent. Final appointment will require confirmation by the Kansas Senate.

Bruce has served with the KHP for 25 years and as interim superintendent since Jan. 6, following the departure of Col. Ernie Garcia, who had served in the position since January 2011.

“Mark Bruce is a true trooper’s trooper,” Brownback said in the news release. “Each member of the Kansas Highway Patrol knows and respects Major Bruce and his record of service. I am pleased to nominate him to lead the Kansas Highway Patrol and his fellow troopers.”

Bruce received his master’s degree in criminal justice from Washburn University and his bachelor’s degree from the University of Kansas. He previously served with the Kansas Air National Guard and U.S. Air Force.

Shawnee County Sheriff Herman Jones was one of two finalists for the position, sources had previously told The Topeka Capital-Journal.

## Legislative panels to tackle gap in budget

### Committees preparing to consider proposals to close budget shortfall

Posted: [January 26, 2015 - 5:54am](#)

By [The Associated Press](#)

Kansas legislative committees are preparing to consider proposals for closing a projected \$279 million shortfall in the state’s current budget.

House Appropriations Committee Chairman Ron Ryckman Jr. says the panel will begin hearings Wednesday on budget-balancing legislation.

The Senate Ways and Means Committee has scheduled debates on budget-balancing proposals for Wednesday and Thursday.

Republican Gov. Sam Brownback’s proposals include diverting funds for highway projects and public pensions to general government programs.

The state also faces an additional budget shortfall of \$436 million for the fiscal year that begins July 1.

The shortfalls arose after lawmakers aggressively cut personal income taxes in 2012 and 2013 at Brownback’s urging to boost the state economy. The governor has since proposed slowing down future income tax cuts and increasing tobacco and alcohol taxes.

## Estes lauds Brownback approach on KPERs, budget

### Proposed pension system reforms carry acceptable risk

Posted: [January 24, 2015 - 8:17pm](#)

By [Tim Carpenter](#)

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Kansas Treasurer Ron Estes’ advice for the governor: Stick with policy proposals calling for issuance of \$1.5 billion in bonds to bolster the state pension system’s investment portfolio, and don’t worry about delaying for 10 years closing of the plan’s multibillion-dollar unfunded liability gap.

The gambit put forward by Gov. Sam Brownback carries risk, the state’s treasurer said in an interview, but the state government’s general budget needs infusion of \$137 million that would be available over the next

two years by adjusting the Kansas Public Employees Retirement System. Kansas' general operating deficit over the next 18 months has been estimated to be \$700 million.

"The changes the governor suggests will help address the state's budget shortfall while keeping KPERS in line with the pension reform plan passed by the 2012 Legislature," Estes said.

Three years ago, legislators and Brownback committed the state to higher contributions to KPERS and other system reforms to chip away at a \$9.8 billion funding gap on scheduled payouts to retirees through 2033.

Under the governor's latest plan, the break-even point for the pension system would be pushed to 2043. The cost of delaying resolution of the deficit in KPERS could cost the state as much as \$9 billion — nearly double the existing unfunded liability — when carried forward over three decades.

"You can lower your payments now, but if you add 10 years of payments, you're going to pay more," said Alan Conroy, executive director of KPERS.

"There are pros and cons to it," said Estes, who is on the KPERS board of directors. "It's a reasonable burden."

Brownback also urged legislators to authorize issuance of \$1.5 billion in bonds to infuse the pension system with capital that would be invested in the markets. The bonds might cost the state less than 5 percent, Estes said, while the average rate of return in the KPERS' portfolio is about 8 percent.

"The bonding is a great idea," he said. "We can take that \$1.5 billion and invest it with other KPERS' assets and start making money."

He said successful investment of bond proceeds would result in lowering the net cost to KPERS of the governor's proposals to \$3.7 billion through 2043. The pension plan lost 18 percent in recession-ravaged 2008, but gained 14 percent last year and 17 percent the previous year. Bonding has proved a profitable approach, Estes said, because the retirement system has made money on \$500 million in bonds issued in 1994.

Brownback said tweaks to KPERS would reduce state expenditures by \$39 million in the next fiscal year and by \$92 million in the 2017 fiscal year. It is cash the governor recommended legislators apply to relieving the state's tax revenue shortfall.

The governor is sticking by his unilateral decision to withhold \$58 million in state payments to KPERS in the current 2015 budget, which has an estimated \$280 million deficit that must be resolved by June 30.

Loss of that cash and removal from the balance sheet of potential earnings on that money will cost the state \$76 million over the next 20 years, KPERS officials said.

Estes said he opposed Brownback's decision to hold back contributions to the state and K-12 employee groups in KPERS.

"While I understand the need to re-balance the budget in light of unexpected shortfalls," he said, "the decision to delay state contributions to our underfunded pension system is disappointing."

Estes said the governor appropriately decided not to repeat that move in the 2016 and 2017 budgets.

Several legislators, including Senate Vice President Jeff King, R-Independence, joined Estes in criticizing the governor's stop-gap adjustment as a step back from reform of KPERS adopted in 2012.

Instead of continuing prudent reform, King said when Brownback announced his emergency cuts, the governor was "threatening to undo all of the hard-fought gains."

King was a proponent of the Legislature's decision to raise state and employee contributions to KPERS and create a hybrid cash-balance plan for workers hired after Jan 1. Both reforms were designed to address unfunded liabilities in a system serving 289,000 members and retirees.

“To go in and use school KPERS funding to try to lessen the revenue shortfall is absolutely unprecedented,” said Senate Minority Leader Anthony Hensley, D-Topeka.

## Editorial: Charting a budget path

Posted: [January 28, 2015 - 6:55pm](#)

By **The Capital-Journal**

Grover Norquist, of Americans for Tax Reform, has taken an interest in Kansas' budget dilemma and Gov. Sam Brownback's plan for restoring the balance of revenues and expenditures for the fiscal year that begins July 1.

Norquist doesn't like Brownback's proposed tax hikes on alcohol, cigarettes and other tobacco products. He even felt strongly enough about the issue to spell out his position in a letter to Kansas legislators.

Thus far, however, Norquist hasn't said anything our legislators haven't been able to figure out themselves. They are not sold on the governor's proposed increases in “sin taxes,” and the unease spreads across party lines — an unusual occurrence in this state but a welcome development.

That the state is in a financial pickle is not in doubt. But as legislators try to chart the best path out of this particular mess, they should pay heed to their constituents and their own gut instincts.

Voices from beyond our borders shouldn't carry any weight in this discussion. Kansans will pay the price — whatever that turns out to be — of righting the state's budget and Kansans should determine how that is done. Also, we would do well to remember that the path our state has traveled to the current dilemma was championed by a self-professed expert in tax matters from beyond our borders.

That said, Kansas legislators (and Norquist) are right to be skeptical of Brownback's proposed tax hikes on cigarettes and liquor. The governor would raise the cigarette tax to \$2.29 a pack from 79 cents. The tax on other tobacco products would jump to 25 percent from 10 percent. The tax on beer, liquor and wine would rise to 12 percent from 8 percent.

Taxes on tobacco and liquor already are lower in Missouri, and increases in Kansas' tax rates would further encourage people in eastern Kansas to take their business across the border. Other Kansans along a border probably would take their business elsewhere, too, if they had a nearby option. It also should be noted that sin taxes are consumption taxes, which are felt most by those on the lower end of the income scale.

It likely will be some time before legislators are ready to vote on bills designed to right the state's budget ship. But as they work toward that goal, they should listen to the people who elected them.

## Brownback casts blame on Legislature for budget shortfall

Points to disagreement before 2012 tax cuts

Posted: [January 23, 2015 - 1:24pm](#)

By [Megan Hart](#)

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Gov. Sam Brownback appeared to distance himself from the budget impacts of tax cuts he signed into law two years ago when he spoke to members of the Topeka business community.

Brownback, who addressed the Greater Topeka Chamber of Commerce's annual luncheon, highlighted private sector job growth and increases in average wages during his years as governor. He appeared to put ground between himself and tax cuts he signed, however, when commenting on the state's projected budget deficit of \$280 million this fiscal year and \$436 million in the next fiscal year.

"I proposed a flat tax with a small budget accelerator. What I got from the Legislature was a naked tax cut with none of the pay-fors," he said. "I took it because it was the best we were going to get."

Brownback had initially sought a different approach to cutting taxes and said state government would require "pruning" to make the budget work, but didn't express the same reservations he showed Thursday in the speech.

"My faith is in the people of Kansas, not the government's ability to tax and redistribute," Brownback said on the day he signed the first round of tax cuts in May 2012. "Today's legislation will create tens of thousands of new jobs and help make Kansas the best place in America to start and grow a small business."

The governor apparently remained confident at the start of 2014, when the state had announced record revenues. His message became more cautious as the campaign season rolled on, highlighting job growth and assuring voters that the state's policies would produce prosperity if they remained patient.

"We've done this now for three years in the face of people saying you can't do this," he said at a January 2014 news conference. "There have been a number of naysayers on the other side of the aisle (saying) this is not going to work, and it is working."

Bob Beatty, a political science professor at Washburn University, said the governor likely hoped to distance himself from the projected budget deficit by highlighting his disagreement with certain aspects of the tax cuts.

"It makes you look less responsible if there's a huge budget deficit," he said. "You get to blame the Legislature."

Brownback has generally expressed deference to the Legislature and hasn't made the public veto threats that mark executive-legislative relations in some states, Beatty said. On the other hand, the governor may have been reluctant to make it sound as if he had signed a bill he didn't fully agree with during an election season, he said.

"During a campaign, to say 'I signed a bill that wasn't what I wanted,' it makes you look weak," he said. "You do ultimately take ownership of what you sign."

Aly Beley, spokeswoman for Senate President Susan Wagle, R-Wichita, said she couldn't comment on the governor's remarks, because Wagle wasn't in her current role when the cuts passed in 2012.

House Speaker Ray Merrick, R-Stilwell, released a statement noting he also wasn't in his current position in 2012.

"When the tax plan was signed into law, I wasn't in my current position as Speaker of the House. However there's a problem before us, and I plan to solve it together with the very bright and capable members in the House," he said.

Senate Democratic Leader Anthony Hensley, D-Topeka, said Brownback proposed cuts to other deductions to offset rate reductions, but those targeted mortgage interest, rebates on sales tax paid on food and other provisions that are important to low-income and elderly people.

Hensley said the governor couldn't avoid responsibility for the budget shortfall.

"He has spent the last year in the campaign bragging about this experiment," he said. "He has spent the last several months trying to convince voters this was good for Kansas."

# Kobach seeks authority to prosecute election crimes

Power currently resides with county, district attorney

Posted: January 30, 2015 - 2:56pm

By [Amelia Arvesen](#)

Special to The Capital-Journal

Secretary of State Kris Kobach expressed confidence elevating penalties for election crime and granting his office authority to prosecute alleged wrongdoing will reduce abuses in Kansas' electoral system.

Kobach, a Republican who serves as the state's top elections officer, told legislators penalties need to be amended for election bribery, election tampering, false impersonation of a voter and aiding someone who votes more than once.

He has attempted for several years to persuade the Kansas Legislature to allow the Secretary of State's Office to handle election cases, which have historically been the domain of local prosecutors. Kobach has been successful in gaining lawmakers' approval of laws requiring proof of citizenship to register and photograph identification to vote.

"There are some election crimes you cannot stop by photo ID or proof of citizenship," Kobach told legislators on Thursday. "The only way to stop them is to deter them and the only way to deter them is to impose big penalties and that's what this bill is about and making sure the case is actually being prosecuted, which in most instances isn't happening right now."

He said diversion agreements with violators allowed misdeeds to quietly fade away.

"On the other hand," he said, "if people are paying fines of \$1,000 or \$2,000 for double voting, I guarantee word will get out."

Under Senate Bill 34, Kobach would make violation of advance voting statutes or attempting to vote when not qualified a felony rather than a misdemeanor. It would be a higher-grade felony to vote when not qualified, engage in election tampering or falsely impersonate a voter. Election bribery provisions wouldn't apply to a business or organization providing a product valued at less than \$3 to individuals claiming to have voted.

Kobach said double voting, or the registration in two jurisdictions, was the most common form of voter fraud in Kansas.

Micah Kubic, executive director of the American Civil Liberties Union of Kansas, said the proposal could penalize individuals who unintentionally failed to follow the correct process in voting. He said there was potential that nursing home residents with aging minds could get hauled before the court for mistakenly breaking a voting law.

"Voting-related crimes are exceedingly, exceptionally rare, and even then are most often the result of mistakes like voting in one's old precinct after having moved to a nearby neighborhood, rather than a willful attempt to subvert an election, but if they occur, should be taken seriously," Kubic said.

Kobach said the secretary of state's office should possess prosecutorial power because county and district attorneys have declined to make election infractions a priority.

Stephen Howe, district attorney in Johnson County, said he opposed legislation shifting election fraud cases to Kobach's office in Topeka. It would require the secretary of state to employ separate investigation and prosecution personnel.

“This increase and devotion of resources appears, again, to be unnecessary and wasteful given there are already officials more appropriately positioned and resourced to deal with such matters,” Howe said.

Kobach said he didn’t think his office would need additional staff because cases of election malfeasance were easy to prove.

“It’s a case that almost proves itself because what you have is a signature on the poll book in jurisdiction No. 1 and you have a ballot request form in jurisdiction No. 2,” Kobach said.

## Editorial: Adjust sentences for pot convictions

Posted: [January 29, 2015 - 6:57pm](#)

By [The Capital-Journal](#)

Kansas legislators are paying little attention to a call for legalization of medical marijuana use. And champions of recreational marijuana use — basically decriminalization at the state level — won’t find sympathetic ears in the Statehouse.

However, there is one bill floating around the Capitol regarding marijuana that legislators should seriously consider.

The bill would reduce the penalty for first and second convictions on possession of marijuana.

Scott Schultz, executive director of the Kansas Sentencing Commission, said the change would remove more than 400 marijuana possession cases annually from the state’s felony docket and divert about 46 people from state prisons in the fiscal year that begins July 1. Schultz estimated the cost savings at \$1.1 million.

Legislators already have reviewed proposed bills that call for creation of new crimes with presumptive prison sentences and assigning longer prison sentences to some existing crimes. Those things come at a cost at a time when the state doesn’t have a lot of money to toss around.

The best course of action would be to reject calls for new crimes and stiffer sentences and still adopt the law reducing the penalty for simple marijuana possession on the first and second convictions. That would create real savings.

Absent that, legislators should at least consider changing the penalty for first and second convictions of simple marijuana possession as a way to pay for other changes they might make.

Now, a first possession conviction is a Class A misdemeanor and the second conviction is a level five felony, which calls for a sentence of 10 months to 42 months. A third conviction also is a felony.

Under the proposed bill, a first conviction would be a Class B misdemeanor and a second conviction would be a Class A misdemeanor. Third and subsequent convictions would remain felonies.

Jennifer Roth, legislative chairwoman for the Kansas Association of Criminal Defense Lawyers, notes the sentence for a second marijuana possession conviction under the current law is stiffer than that for someone who burglarizes a home.

Given the state’s financial condition, and the fact Kansas prisons are crowded and headed toward overcrowding, adjusting the sentences for some marijuana possession convictions makes a lot of sense.

## Kansas, Missouri lawmakers to propose gun restrictions for domestic violence cases

Families could restrict gun access for people in crisis

Posted: [January 30, 2015 - 6:23am](#)

By [The Associated Press](#)

KANSAS CITY, Mo. - State representatives and other officials from Kansas and Missouri are announcing legislation aimed at reducing gun and domestic violence in both states.

Missouri Rep. Stacey Newman, a Richmond Heights Democrat, and Kansas Rep. Barbara Bollier, a Mission Hills Republican, will discuss their legislation at a news conference Friday afternoon outside Jackson County Prosecutor Jean Peters Baker's office in Kansas City, Missouri.

The measures would allow for firearm restrictions for those with domestic violence or stalking restraining orders or convictions, and would let law enforcement and family members restrict gun possession by those in crisis.

Bollier and Newman are founding members of the new, nonpartisan coalition, American State Legislators for Gun Violence Prevention. Their model legislation will be introduced this year in other states by coalition members.

## Bill crafts health insurance option for KHP retirees

### Premiums to be paid with conversation of vacation, sick leave

Posted: [January 28, 2015 - 5:40pm](#)

By [Tim Carpenter](#)

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The state insurance department objected Wednesday to legislation giving Kansas Highway Patrol employees the option of converting unused vacation and sick leave to a cash equivalent for payment of health insurance premium payments upon retirement.

The office of Insurance Commissioner Ken Selzer informed lawmakers the department didn't have the capacity to administer such a program. Management of benefit conversions and program records should be the responsibility of the Kansas Department of Administration, said Cindy Hermes, of the insurance department.

"The department at this time does not administer any similar type of programs nor do we have the expertise to administer and maintain such a program," Hermes said.

Under the bill before the House Insurance Committee, a state trooper or officer reaching the age of 50, with at least 25 years of service to KHP and not yet eligible for Medicare could choose to be part of the new program.

The measure, House Bill 2021, would give KHP employees the option of converting unused sick leave and vacation days to cash consistent with current state law. However, this money would be earmarked for a special account to maintain enrollment in a state health care benefit plan.

A retiree's spouse could be covered by the health plan, but that spouse would be financially responsible for his or her own premiums if program funds expired. The spouse or other beneficiary would receive unused funds in the account upon the retiree's death.

"While this option is just one small step that offers a choice to an employee at the time of retirement, it does give a choice based on what fits the individual and his or her family's needs most appropriately," said Mitch Mellick, president of the Kansas State Troopers Association.

# House measure trims pot possession sanctions

## First, second offense would be misdemeanor; third or more still a felony

Posted: [January 28, 2015 - 3:01pm](#)

By [Tim Carpenter](#)

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The state's sentencing commission and a defense lawyer organization Wednesday joined forces in support of a House bill reducing the penalty for first and second convictions on possession of marijuana in Kansas.

A person's third or subsequent conviction for possession would remain the lowest level felony based on House Bill 2049 that was reviewed by the House Corrections and Juvenile Justice Committee.

Scott Schultz, executive director of the Kansas Sentencing Commission, said the reform would annually remove more than 400 marijuana possession cases from the state's felony docket. It would result in diverting an estimated 46 people from overcrowded state prisons in the upcoming fiscal year for a savings of \$1.1 million, he said.

"At minimum," Schultz said, "passage of the bill would provide relief to an already over-capacity prison system and free up space for more violent offenders to be placed in custody."

Jennifer Roth, legislative chairperson for the Kansas Association of Criminal Defense Lawyers, said the state's existing law recommended a sentence of 10 months to 42 months behind bars for the second-time, felony offense.

"A defendant who has a little bit of drugs for personal use in his pocket gets equal or more time than a defendant who burglarized a person's home," Roth said.

Nobody testified in opposition to the bill at the committee's hearing in the Statehouse, but Roth said criticism of the measure could be expected. The state's priority in allocating prison bed space should be with people committing crimes of more serious nature than possession of marijuana, she said.

Under the House bill, the first violation for possession would be a Class B misdemeanor, down from a Class A misdemeanor. The bill would make a second conviction on possession a Class A misdemeanor, reduced from a severity level five felony.

The legislation would retain the level five felony for offenders convicted a third or subsequent time for marijuana possession.

In addition to adjusting bed space in the prison system, Schultz said reduction of penalties for possession would result in about 180 fewer people participating in a statewide substance abuse treatment program. That would trim by \$780,000 the state's expenditure for treatment of marijuana offenders.

Scott James, the Kiowa County attorney, submitted written testimony indicating the measure would strike middle ground between people who believe marijuana ought to be legalized and those who think incarcerating nonviolent drug offenders cost the state too much money.

"This intermediate measure, far short of legalization like our neighbor to the west, will not subject our Kansas communities to the same deleterious impacts which are now being seen in towns like Denver and Colorado Springs," he said.

# Editorial: Let Kansas law enforcement officers be good neighbors

Posted: [January 27, 2015 - 5:29pm](#)

**By The Capital-Journal**

Kansas legislators should follow the lead of their counterparts in Missouri and approve a bill that allows law enforcement officers from either state to respond to cross-border requests for assistance with critical incidents that could result in serious injury or loss of life.

Missouri already has adopted the bill but that state's statute doesn't engage until Kansas consents by adopting its own bill.

The bill now in Kansas' House Federal and State Affairs Committee would authorize a mutual-aid region consisting of four Kansas counties — Johnson, Leavenworth, Miami and Wyandotte — and Missouri's Jackson, Cass, Platte, Ray and Clay counties. If the bill passes, the nine counties involved could request assistance during critical emergencies from the nearest source within the mutual aid region, regardless of whether the closest help was in Missouri or Kansas.

In a dense, metropolitan area where the Kansas/Missouri border is often a street, such an agreement makes a lot of sense. If Missouri officers really need help and the closest source is a Kansas unit, why not lend a neighbor a hand? And being a good neighbor works both ways.

The bill being considered by Kansas lawmakers, and adopted by Missouri, was designed by the Kansas City Metro Tactical Officers Association to resolve liability issues associated with officers from one state responding to calls for assistance across the border.

It is ironic, therefore, that the only voice in opposition during a recent legislative committee hearing was that of Johnson County Sheriff Frank Denning, who said he was speaking on behalf of the Kansas Sheriffs' Association.

Denning questioned whether the bill was the "beginning of erosion of the office of sheriff" and said it removed jurisdictional checks and balances, allowing nearly unbridled authority to cross borders based on a vague interpretation of a "critical incident."

Wyandotte County Sheriff Don Ash disagrees with Denning. So does The Topeka Capital-Journal.

The mutual aid pact allows officers in the nine counties named above to "request" assistance from the nearest available source. It doesn't direct Denning or any other Kansas sheriff to ask Missouri officers for help if they'd rather wait longer for Kansas officers to arrive. The agreement also doesn't force Denning's deputies to respond to requests for help, if they'd rather sit on the sidelines during critical incidents nearby.

It sounds as though the Kansas Sheriffs' Association may have some other ax to grind.

From here, the mutual aid proposal sounds like a case of multiple law enforcement agencies trying to be good neighbors. There's nothing wrong with that.

# Kobach: Straight party ticket voting would speed up process

Opponent warns of potential for 'mindless' voting

Posted: January 28, 2015 - 4:09pm

By [Jonathan Shorman](#)

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Secretary of State Kris Kobach praised straight party ticket voting as a way to speed up the voting process while speaking Wednesday about legislation the House Democratic leader called ironic.

Kobach, a Republican, spoke in favor of two bills before the House Elections Committee. One would bring back straight party ticket voting — allowing voters to select all the Republicans or all the Democrats on the ballot with a single action.

The other would take away the ability of candidates to withdraw from the ballot because of incapacity. Kobach acknowledged that proposal results in part from Shawnee County District Attorney Chad Taylor's decision to drop out of the U.S. Senate race this fall, clearing the way for independent Greg Orman to take on Republican Sen. Pat Roberts in a head-to-head race.

Kobach said straight-party ticket voting would be an option, not a requirement, for voters. The option would extend to all partisan races, including local races. Voters will be able to fill up their ballot more quickly.

In addition, voters would be able to choose candidates from other parties in individual races.

“So even if you don't intend to vote a straight ticket option, you can use this to help speed up the process of voting and if you don't want to use it at all you don't have to,” Kobach said. “I think speeding up elections is important and I think voters are capable of understanding what a straight ticket option is.”

According to data from his office, the percentage of voters who voted in a particular race declines the further down the ballot the race is located. In the November election, 97 percent of those who voted cast a vote in the U.S. Senate race, but only 75 percent cast a vote in their state board of education races.

While Kobach is calling for straight party ticket voting, he also supports moving local elections to the fall, an idea embraced by Gov. Sam Brownback in his State of the State address. House Minority Leader Rep. Tom Burroughs, D-Kansas City, was suspicious.

“I find it a little more than just ironic that we're pushing (getting rid of spring elections) and loading up a ballot in the fall when we're trying to create efficiencies,” Burroughs said.

Kobach acknowledged that fall ballots would grow if spring elections are eliminated, but he said straight party ticket voting could help speed up the process. About a dozen states currently allow for straight party ticket voting, he said.

In written testimony opposing the bill, Rep. John Carmichael, D-Wichita, said that straight party ticket voting could cause “mindless” voting.

“No matter how much it might speed up the process on Election Day, I believe voters should think before they vote. We hear much about voters needing to be informed on the issues and candidates before they go to the polls. Straight ticket voting requires neither. Instead, it encourages uninformed members of the electorate to simply mark one box and leave,” Carmichael wrote.

Kobach told the committee allowing straight ticket voting wouldn't encourage mindless voting and added that he respects Kansas voters and thinks they are capable of understanding straight ticket voting.

On his second bill, Kobach said Kansas courts had misinterpreted the law when they allowed Taylor to drop out of the Senate race. The Kansas Supreme Court declined to order Taylor to stay on the ballot.

The legislation would remove the incapacitation clause Taylor cited when he dropped out.

Rep. Steve Huebert, R-Valley Center, questioned whether Kobach's bill can actually stop what he views as judicial activism.

"To me, I appreciate the intent of this bill, and I appreciate that, you know, if this comes up again, I still believe that if a court wanted to do what they did they would just ignore this law again," Huebert said.

Kobach responded that his bill makes that much harder for a court.

"Well again, that might be, but in the end if you do want to do something, you do what you want to do and that became very apparent during this last election cycle," Huebert said.

## House adopts rule to halt floor debates at midnight

Lawmakers say past late-night sessions result in too many mistakes

Posted: [January 27, 2015 - 2:13pm](#)

By [Tim Carpenter](#)

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The House's organizational rules fight Tuesday resulted in an end to post-midnight debates but sidestepped proposals for recording members' floor votes and for delivery of budget bills 48 hours before a vote.

Debate about altering internal regulation of the House hinged on the periodically conflicting ideas of transparency and efficiency. Republicans and Democrats splintered in all directions on rules adjustments considered by the chamber.

Rep. John Rubin, a Republican from Shawnee, inspired much of the discussion with two amendments to House rules and one idea for modifying the House-Senate organizational relationship. His clock-strikes-midnight amendment was endorsed 69-49.

"Making public policy at 3 o'clock in the morning is not good for Kansas," Rubin said.

Members of the Legislature with solid work ethics should be prepared to deliberate past midnight and start the next day's activities by 8 a.m., said Rep. John Barker, an Abilene Republican who opposed tweaking of House rules.

Rep. Pete DeGraaf, R-Mulvane, said he would prefer an 11 p.m. deadline for the day's work at the Capitol.

He said many a legislator experienced after-the-fact regret about a late-night vote because he or she didn't understand contents of thick bills thrust at them when weary.

"The leadership uses it as a tool to ... force decisions," DeGraaf said.

Rubin also won the argument — 82-35 — for a joint rule limiting the bundling of bills to two. This is a stark contrast to a strategy of leadership — especially late in the session — to package in a single conference committee report up to a dozen bills. The tactic is designed to compel passage of legislation that might not stand up as a stand-alone bill.

"There is no practice in this building that I find more problematic than bundling of bills," said Rep. Amanda Grosserode, R-Lenexa.

Rubin failed to gain approval from House colleagues — 51-67 — of his plan to require recording of floor votes. Currently, votes can be performed by “voice,” with members yelling yes or no in unison. The speaker of the House, or his designee, decides who wins. Recorded votes can be granted upon request of 15 members.

“I’m all about accountability and transparency,” Rubin said. “It is the very least we owe the constituents, the people of Kansas, who have put us in these positions of responsibility.”

Barker said adoption of this proposed rule on recorded votes would place lawmakers in a tricky position. It is possible, he said, for a representative to vote for a bill during initial consideration and against the same bill on final action. Such a back-and-forth record might raise difficult questions among constituents, he said.

“Are you a flip-flopper?” he said. “It’s hard, sometimes, to go out and explain.”

Rep. Brett Hildabrand, R-Shawnee, said arguments made in defense of voice voting really boiled down to “self-protection” of political careers.

The attempt to broaden House members’ voting record attracted an eclectic group of activists to the House chamber. Four Wichita children — Cate, 5, Seth, 8, Solomon, 12, and Eve, 10 — held signs that sought a reform to “record all votes.”

Robert Wood, a Pittsburg resident with the Campaign for Liberty-Kansas, said in an interview the ability of legislators to hide behind voice votes didn’t comport with the principle that lawmakers work with the consent of those governed.

“Many votes are taken through a voice vote system,” Wood said. “Bills can be killed in committee and adjustments made on the floor that average hardworking taxpaying citizens would not know about because they can’t live at the Statehouse like lobbyists and special interests.”

Rep. Don Hineman, R-Dighton, fell short in a bid to require appropriations bills be presented to members 48 hours before a floor vote and nonbudget bills be delivered to lawmakers 24 hours before floor action. It failed 52-66.

In a more obscure move, Rep. Don Schroeder, R-Hesston, proposed unsuccessfully that the “pay-go” requirement be stricken from House-Senate joint rules. It went down 39-77.

The joint operating mandate, which exists in the House rules but not Senate rules, requires floor amendments adding to state expenditures to be accompanied with equivalent cuts in some area of the budget. The result is that individual senators have more opportunity than representatives to alter spending bills during a floor debate.

## House bill excludes municipalities from gun regulation

Law adopted in 2014 inadvertently opened door to new local oversight

Posted: [January 28, 2015 - 11:58am](#)

By [Tim Carpenter](#)

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Advocates of state and local deregulation of firearm and ammunition sales Wednesday made the case for adoption of legislation prohibiting municipalities in Kansas from adopting ordinances guiding these dealers.

A measure adopted by the 2014 Legislature and signed by Gov. Sam Brownback opened the door to broadening of restrictions cities and counties might apply to federally licensed firearms dealers. There is

anxiety about local units imposing zoning restrictions or passing a special tax on gun or ammunition transactions.

“My business is a mail-order style firearms business, and I would like to have the protection from being restricted by local ordinances,” said Kelly Arnold, who is the Sedgwick County clerk and chairman of the Kansas Republican Party.

He told the House Federal and State Affairs Committee that local units of government in Wichita area interpreted the new law as an opportunity to restrict firearm sales through commercial zoning.

Patricia Stoneking, president of the Kansas State Rifle Association, said the 2014 measure was intended to protect federally licensed dealers from over-regulation by counties and cities. The bill was worded incorrectly to open dealers to new municipal regulations, she said.

Stringent federal oversight of Kansas’ nearly 1,400 dealers is sufficient, she said.

“The meat of last year's bill was all about pre-empting local control and the provision written regarding FFLs was clearly intended to give them the same protection,” Stoneking said. “We’re simply asking that the section pertaining to this be repealed and removed from statute.”

Contents of House Bill 2087 would nullify any local firearm or ammunition ordinance adopted before July 1, 2015.

It wouldn't preclude cities, counties or the state from charging sales tax on weapon transactions. The bill ought to be clarified so sales tax collections can continue, said Melissa Wangemann, general counsel to the Kansas Association of Counties.

“Because firearms and ammunition are often high-dollar merchandise,” she said, “the loss of sales tax could have a fiscal impact on local units of government and the state.”

On Wednesday, the House committee also gathered testimony on House bill 2074.

The legislation would delete from state law the crime that could be filed against holders of a concealed-carry permit when accidentally taking a firearm into a public building. Champions of that measure intended to decriminalize the act of mistakenly carrying a concealed firearm into both private and public buildings, Stoneking said.

She said the measure also would repeal a 2014 amendment that established in Kansas qualifications for obtaining a concealed carry permit that were more strict than in federal law. The result, she said, was that people who had committed “minor” crimes as juveniles but had clean records as adults were forced to surrender their concealed-gun permit.

“Many of these citizens were outraged that they had taken the time and sustained the expense of obtaining a permit to carry, had possessed it for several years, had a clean record since achieving adulthood, yet had their permits revoked,” Stoneking said.

In the five-year period between 2009 and enactment of the 2014 reform, Kansas law allowed anyone eligible to buy a firearm under state or federal statute to be eligible for a permit to carry concealed.

## Lawmakers urged to strengthen burglary penalties

Senate committee told some burglars receive little prison time

Posted: [January 27, 2015 - 12:40pm](#)

By [Amelia Arvesen](#)

## Special to The Capital-Journal

Revisiting an issue it examined last year, the Senate Corrections and Juvenile Justice Committee considered legislation Tuesday to bump up the penalties for residential burglary.

Currently, individuals found guilty of residential burglary receive little to no prison time, Todd Thompson, Leavenworth County attorney, said. He said burglary is less about the replaceable material items and more about the anxiety it causes victims.

“It’s the psychological damage that we have a problem with, and their frustration comes from not much penalty when it comes to burglary into a dwelling,” Thompson said.

The bill before the committee would raise the severity levels for burglary, aggravated burglary and burglary with intent to commit theft of a firearm.

The increase likely would result in lengthier prison sentences. According to the Sentencing Commission’s fiscal year 2015 Adult Inmate Prison Population Projections report, a level seven offender serves an average sentence of 33.6 months while a level five offender serves an average sentencing of 60.9 months.

“A defendant with the highest criminal history score in Kansas will receive a 40 month standard prison sentence for possession of a controlled substance, but will receive a 32 month prison sentence for breaking into a residence, ransacking a home, and stealing everything,” Thompson and Christopher Scott, assistant county attorney, said in written testimony.

In many cases, individuals with a criminal history are found to have returned to hit several houses in the same neighborhood, Thompson said, because they aren’t serving longer sentences.

Patrick Sweet, a supporter of the bill, said his home in Westwood was broken into and his neighbors had been burglarized twice last summer. He said the incident changed the way he felt when he needed to leave his fiancée to travel for work, realizing she was nervous about another possible break-in.

“Even if it’s just to go out to dinner with friends and knowing that something like this could happen again and that it happened repeatedly to a couple that we know, it really hits close to the home,” Sweet said.

The bill closely resembles SB 415, which passed in committee but died last year. Jennifer Roth, a public defender who attended last year’s hearing to support the bill, returned Tuesday for testimony.

Roth pointed out the differences between penalties. She compared two cases in which a shoplifter received a penalty two levels higher than an individual who committed residential burglary with no one home.

“You have to make these decisions about who belongs in those (prison) beds and who doesn’t,” Roth said. “There’s some compelling arguments that folks commit these offenses belong in those beds.”

She said she hopes to see the committee prioritize bed space in order to free up space to imprison the most dangerous individuals.

Committee chairman Senator Greg Smith, R-Overland Park, said studies show burglary is the step that leads to sex predator crimes.

“Maybe we can get these people off the streets so they can’t hurt anybody, but obviously with the impact on bed space, we have to look at that and we have to figure out a solution,” Smith said.

## House bill matches sheriffs qualifications with other law enforcement officers

# Kansas law contains broader restrictions than apply to deputies, officers

Posted: [January 27, 2015 - 5:40pm](#)

By [Tim Carpenter](#)

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The Kansas Sheriffs Association urged passage Tuesday of a bill designed to amend professional standards for sheriffs candidates to match rules applicable to the state's rank-and-file law enforcement officers.

Sandy Horton, executive director of the association and former Crawford County sheriff, said motivation behind House Bill 2022 was removal of legal barriers faced by some who might seek to become a county sheriff.

He said potential nominees for sheriff were being undermined by misdemeanor convictions that occurred decades ago.

"The problem we've seen in past years is people who received minor in possession violations as juveniles are precluded for the rest of their lives from running for the office of sheriff," Horton said. "They're branded for the rest of their life."

The House Judiciary Committee didn't vote on the bill, which drew no testimony in opposition. Several committee members suggested they might be interested in amending the legislation. The House panel adopted the same bill in 2014, but it stalled in the full House. The Senate endorsed the bill last year 40-0.

The proposed standards would retain current mandates related to U.S. citizenship and high school diploma or equivalent. Sheriffs couldn't have convictions for felony crimes or misdemeanor domestic violence. If the sheriff's law enforcement credential had lapsed more than five years, the individual would have to sit for a written exam and complete firearms qualification or attend the basic law enforcement training course.

An individual without a law enforcement background would be required to complete the basic course or forfeit the position. A sheriff engaged in the training would be hired as a deputy during the orientation period, but receive a salary equivalent to the sheriff.

Rep. Kyle Hoffman, R-Coldwater, said the argument could be made that sheriffs ought to be held to higher standards than deputies or police officers. Consideration should be given to altering the bill to cover individuals who entered diversion agreements for felonies or misdemeanor battery, said Rep. Blaine Finch, R-Ottawa.

Horton said sheriffs serve as each county's top law enforcement officer, but existing statute guiding candidates for the position ought not be written in ways that exclude people decades after committing a misdemeanor.

Some sheriffs have responded to current limitations in Kansas law by blocking appointment of employees as undersheriff or to another rank because these people were prohibited from rising to the top job, Horton said.

## Lawmakers examine tuition for veterans

Legislation would provide in-state rates for veterans and their families

Posted: [January 27, 2015 - 4:39pm](#)

By [Austin Fisher](#)

Special to The Capital-Journal

The Kansas Commission on Veterans Affairs Office asked lawmakers Tuesday to consider a bill that would give veterans and their families stationed in Kansas in-state tuition to public colleges, even if they're not originally from Kansas.

Testifying before the Veterans, Military and Homeland Security Committee, Rep. Becky Hutchins, R-Holton, said the proposal would make Kansas comply with the federal Veterans, Choice and Accountability Act, also called the Choice Act.

Regardless of formal residence, the Choice Act covers veterans and their spouses or children who enroll in a higher learning institution wherever they're stationed within three years after the veteran has been discharged from 90 or more days of service. Surviving spouses or children receiving Marine Gunnery Sergeant John David Fry Scholarship benefits can enroll within three years after the veteran has died in the line of duty.

"Say you're stationed here and your daughter wants to go KU, it would address some of those issues," Hutchins said. "If her father is currently a veteran and fighting in a foreign country for our freedoms, I think it's the honorable thing to do."

Wayne Bollig, deputy director of the Commission on Veterans Affairs, said the law would mirror a Texas statute that complies with the Choice Act. According to the advocacy organization Student Veterans of America, Texas is one of 27 states that provide in-state tuition to veterans and the only state that is fully compliant with the Choice Act.

Bollig said veterans received almost \$104 million in education benefits and more than \$559 million in medical benefits in fiscal year 2014.

Commission Director Gregg Burden said their mission is to assist Kansas' nearly quarter million veterans and their families with "education, health, vocational guidance and placement, and economic security," and to ensure Kansas remains a "veteran-friendly state."

Through their State Veteran Services Program, the Commission will help veterans, relatives, and survivors obtain the maximum amount of federal and state benefits. After veterans retire, the commission will provide long-term health care through their Veterans' Home Program.

Burden, who served for 26 years, was appointed by Gov. Sam Brownback when the commission replaced the old Kansas Commission on Veterans Affairs in July 2014.

Pam Rodriguez, chief financial officer of the commission, said they will ask the committee to lift spending caps that currently require the commission to carry over revenue from veterans' fees and the U.S. Department of Veterans Affairs to the next fiscal year. "That's money that we could be spending on veterans," Rodriguez said.

Rep. Carolyn Bridges, D-Wichita, said she hopes the new law will encourage out-of-state veterans to stick around after college. "The idea is that once they get out of school, they will call Kansas their home."

## Kansas politicians object to Obama's college-savings plan tax adjustment

Jenkins, Yoder seek retention of tax-free status on 529 plan accounts

Posted: [January 23, 2015 - 4:38pm](#)

By [Tim Carpenter](#)

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Two members of the Kansas congressional delegation and the state's treasurer were in agreement Friday that President Barack Obama's proposal to tax gains on college savings plan investments flunked the logic test.

Republican U.S. Reps. Lynn Jenkins and Kevin Yoder and Kansas Treasurer Ron Estes agreed the president's proposed reform of the college savings plans known as 529 plans, which are held by millions of Americans, would compel reconsideration of the method of setting aside cash for higher education.

Obama urged Congress to strip the tax-free status of earnings from future contributions to these plans. Existing portfolios — including 185,000 set up by Kansans containing \$4.5 billion — would remain exempt from capital gains taxes as long as the money went to expenses such as room, board or tuition.

“Congress created section 529 to help middle-class families plan and save for their children's future, and there is no doubt about the popularity of these plans,” said Jenkins, who serves Topeka and the 2nd District in eastern Kansas.

She said Obama was misguided in attempting “to turn back the clock and further burden hard-working families with new taxes.”

Yoder, who represents the 3rd District of Johnson and Wyandotte counties, said the president's idea would make it more difficult for parents to secure an education for their children. Obama also proposed increases in financial support for community college students.

“Rather than to encourage us to save money and prepare, the president will give away free college education with higher taxes and deficits to pay for it,” Yoder said. “The people of Kansas don't want a nation where we're dependent on the federal government for all our needs.”

Estes, who has responsibility for administering Kansas' 529 accounts in his role as state treasurer, said taxing account earnings as ordinary income would discourage participation.

Undermining incentives to make use of the saving vehicle also would disadvantage people claiming state income tax deductions on their contributions, Estes said.

“Why would you ever have 529s anymore?” said Estes, a Republican. “If I have to pay taxes on my earnings, why don't I keep it in my own individual investment account? I can manage it all together as one pot of money.”

If Obama's recommendation were accepted by Congress, Estes said Kansas plan participants who continue would need to establish a second account to keep tax-free and taxed investments separate.

Jenkins said she would sponsor federal legislation to modernize items that could be covered by withdrawals from 529 accounts to include purchase of computers.

## Kansas Republicans kick off annual convention

### Featured speakers from South Carolina, Oklahoma, Iowa

Posted: [January 30, 2015 - 5:35am](#)

By [The Associated Press](#)

Kansas Republicans are gathering for their biggest convention of the year.

The GOP leadership will kick off the two-day event Friday with speeches by Gov. Sam Brownback and Kansas Congressman Kevin Yoder.

Kansas officials will be joined in their receptions by speeches from visiting Republican legislators. Congressman Trey Gowdy of South Carolina will speak at the Saturday lunch, while Congressman Steve

Russell of Oklahoma will speak at the evening banquet. Senator Joni Ernst of Iowa will also speak, coming off of delivering the Republican rebuttal to President Barack Obama's State of the Union address last week.

Kansas Republicans hold their annual convention on or near the anniversary of Kansas' 1861 entry into the Union as a state.

[The Wichita Eagle](#)

# Schools facing more cuts

01/29/2015 6:08 PM

Not only does Gov. Sam Brownback want to [cut](#) \$127 million in school operating funding next year, but some lawmakers want to cut \$39 million this current year – even though the school year is more than half over and the cut would disproportionately hurt poorer school districts.

[Senate Bill 71](#), which is expected to have a hearing next week in the Senate Ways and Means Committee, would change how the state calculates its supplemental aid to school districts. This is aid that helps equalize the cost of local option budgets between districts, thus reducing the local property tax burden in many districts.

Lawmakers are frustrated that this year's supplemental aid costs more than they expected, so they want to change how it is calculated.

It is fine to review that calculation and consider whether there is a better or fairer way to equalize funding. But having a large funding reduction apply to the current year would be difficult for school districts, which already budgeted for and made contractual agreements based on their LOB funding.

Wichita would be hit with 10 percent of the statewide cut, or \$3.9 million, [according](#) to the Kansas State Department of Education. Other Sedgwick County school districts facing cuts are Derby, \$513,485; Maize, \$430,929; Goddard, \$302,760; Haysville, \$188,063; Mulvane, \$153,343; Valley Center, \$150,848; Renwick, \$143,767; Clearwater, \$83,167; and Cheney, \$46,562.

In addition to these possible cuts, the House Appropriations Committee [approved](#) an amendment Thursday that would delay the state's capital outlay equalization funding to

school districts. The state would pay \$25 million of the payments due in February and delay the remaining \$20 million in funding until June 20. Wichita's delayed payment would be more than \$3.5 million. Brownback's budget plan called for delaying all \$45 million in payments until after June 15.

The purpose of the delay is to help the state's cash flow, but it could make it harder for some districts to pay their bills – not that many lawmakers seem to care.

*For the editorial board, Phillip Brownlee*

Read more here: <http://www.kansas.com/opinion/editorials/article8592311.html#storylink=cpy>

## Wichita council withdraws support for driver's permits for illegal immigrants

BY MATT RIEDL

THE WICHITA EAGLE

01/27/2015 8:49 PM

A proposal to grant illegal immigrants the opportunity to obtain driver's permits lost the support of the Wichita City Council on Tuesday.

The council voted 4-3 to withdraw the measure from its 2015 legislative agenda. It had voted 4-3 to include it in December.

Council member Jeff Blubaugh changed his vote, resulting in the council's shift on the issue.

"I've received feedback from my constituents," Blubaugh said at the meeting Tuesday. "I'm against this, I think it's wrong, and I would like to have it removed from our legislative agenda."

The proposal in the Legislature would allow immigrants who entered the country illegally to obtain driver's permits for the purpose of buying insurance.

Colorado and Illinois have similar policies on the books.

Rep. Ponka-We Victors, D-Wichita, introduced the bill during last year's legislative session, but it failed to get a hearing.

Sulma Arias, executive director of Sunflower Community Action, called the decision a stunning reversal of support in an e-mailed statement.

"The vote is further proof that the city of Wichita devalues the lives and contributions of Latinos, which make up 15 percent of the population of the city," the statement read.

People protesting the decision interrupted Mayor Carl Brewer's State of the City address Tuesday night, expressing disappointment before being escorted out by police officers.

Brewer, who supports the measure, said during the council meeting that the immigration issue won't go away.

"There will be a point in time where you will have no choice but to deal with it," he said.

Blubaugh said he withdrew his support for the measure after being informed that groups that had pushed for it initially had withdrawn their support. Those groups included the Kansas Chamber of Commerce and Kansas Farm Bureau.

"The whole illegal deal bothered people," Blubaugh said. "Why would we give a driving permit to somebody who's an illegal immigrant?"

Arias implied in her e-mail that the decision was related to Blubaugh seeking re-election in April. He said that was not the case.

"It has nothing to do with that," he said. "In my opinion, it should have never been on the city agenda, and I probably should have stood up for it (in December). It's not a city issue. It's something that should be figured out separately at the state level."

Council members James Clendenin, Jeff Longwell and Pete Meitzner joined Blubaugh in voting to remove the proposal from the agenda.

Council members Lavonta Williams, Janet Miller and Brewer voted against removing the proposal.

Read more here: <http://www.kansas.com/news/politics-government/article8430291.html#storylink=cpy>

# Brownback proposes linking school funding to student performance

BY DION LEFLER

THE WICHITA EAGLE

01/30/2015 3:24 PM

In a preview of the next battle over school finance, Gov. Sam Brownback said Friday that he wants to tie schools' money to students' performance.

That concept immediately raised questions among advocates on both sides of the school finance debate.

Brownback's luncheon speech to the Agri-Business Council of Wichita marked the first time he has publicly elaborated on what he wants to do with school finance since saying earlier this month that he wanted to ditch the current school-finance formula and funding the state's districts with interim block grants for the next two years.

"Let's spend that two years writing a finance formula that gets money to the classroom, and I'd like it to have some incentives tied with performance," Brownback said Friday. "Are the kids reading at the fourth-grade level when they get to fourth grade? When you leave high school, are you either ready to go to college or go to work?"

"I'd rather you'd be both, ready to do both, but are you? And we want to pay that you will be, and if you're not, then you should be penalized for it because that's what you're supposed to get done."

Against the backdrop of a recent court ruling that schools are unconstitutionally underfunded, Brownback criticized the current school funding formula. It was designed to provide educational equity across diverse populations by putting more money in schools that have high percentages of at-risk, poor, rural and other harder-to-serve students.

“It’s all based on number of pupils, and then if you move children long distances, if you’ve got a high-density school, if you’ve got a low-density school, if you’ve got a this, if you’ve got a that, you’ve got all these weightings that each child is worth then 1.2, 1.5 (times the regular base funding), but nothing that’s tied to performance,” Brownback said.

Senate Minority Leader Anthony Hensley, D-Topeka, said the governor’s comments “really didn’t make a whole lot of sense to me.”

Hensley said the current finance formula meets court muster for fairness, but the problem is the Legislature doesn’t fully fund it.

Both a three-judge school finance court and the state Supreme Court have emphasized that the constitution requires the state to provide funds to equalize educational opportunity for students in poorer school districts.

Hensley said rewarding high-performing school districts, which also tend to be the richer ones, would appear to do the opposite.

“I presume in Sam Brownback’s view of the world that’s the way it will be, but that will not meet with favor from the courts,” he said.

Rep. Jim Ward, D-Wichita, said performance is a “fuzzy word” that everyone supports, but it doesn’t really mean much in the context of school finance.

“Just saying base it (funding) on the tests seems a little simple-minded,” he said.

## Wichita view: 'It takes money'

Wichita school board member Lynn Rogers, the board's point man on finance issues, said he agrees with Brownback's goals of students meeting grade levels and leaving high school prepared for college or the workforce.

"But it takes money to do that," Rogers said. "There's scientific evidence that justifies the cost behind those weightings. It takes more money to educate the kids of poverty. It takes more money when you're in a high-density poverty school, all those kinds of things.

"If we fund and we provide the services for kids of poverty, we get results," he added. "It's a new group of kids that come every year, so if you penalize based on last year's kids, next year's kids aren't going to get the services they need to do well."

He said he's frustrated because most of the talk he's heard from the governor and much of the Legislature has been little more than coded language for cutting schools.

"We don't talk about how kids come to school and the support they have through their school, at home and in the community," he said. "Teachers are expected to make miracles."

He said he could support pay for performance only if it measured the progress of each year's students from where they start at the beginning of the year to where they finish at the end of the year.

## A student-focused approach?

Dave Trabert, president of the Kansas Policy Institute, said he also thinks performance evaluation should be tailored to individual districts and based on how much knowledge the students gain each year.

He fervently agrees with Brownback that the state needs a new formula for funding schools, but Trabert said he'd have misgivings about linking funding and student performance.

“If you’re going to get a reward for being so-called ‘successful,’ then there should be a consequence for not being successful, but it doesn’t have to be funding,” said Trabert, a member of a state commission on student achievement and school efficiency.

“I’d rather take a student-focused approach,” he said. “If we’re going to reward districts for doing what they’re supposed to do and making students achieve, then the consequence should be, in my mind, if districts aren’t performing, then the students should be allowed to go someplace else ... or parents ought to be able to come in and do something about that school.”

### Already some performance incentives

After his speech, Brownback said his administration has already moved toward linking funding to performance in some cases where the state provides extra money for special programs. He cited his fourth-grade reading initiative that has paid for special instruction programs in some districts to improve reading scores.

To get the extra money, participating schools were told “You’ve got to get these reading levels up, or if you don’t, we’ll be pulling funding,” Brownback said. “And that’s been working. They know what we want.”

Another Brownback initiative pays school districts to provide free technical-college classes for high school students, but also with a performance caveat: “We said provide the tech ed, and we want to see certifications in industry-recognized fields,” Brownback said.

Those programs involved money in addition to the basic state aid that all districts get. In a new finance formula, Brownback said, he’d like to see the same kind of performance requirements incorporated into general funding for schools.

“Those (reading and tech-ed programs) have been augmentations that we’ve done the last four years,” he said. “They aren’t considered in the school finance formula, but it is a track of what we’ve tried to do to put more funds in the education system.”

Read more here: <http://www.kansas.com/news/local/article8639078.html#storylink=cpy>

# Budget director sent e-mail from private account to lobbyists on proposed budget

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/27/2015 3:00 PM

Gov. Sam Brownback's budget director used a private e-mail account to share a working version of the governor's proposed budget with two lobbyists three weeks before it was unveiled to lawmakers.

Budget director Shawn Sullivan sent a draft of the proposal from his Yahoo account two days before Christmas to the private e-mails of several top administration officials and to the governor's former chief of staff, David Kensinger, and his former campaign manager, Mark Dugan, both of whom are lobbyists.

The e-mail was obtained by The Eagle this week from a source outside the governor's office.

In it, Sullivan lays out plans to increase taxes on cigarettes, take \$350 million from the highway fund over 2 1/2 years and change the way the state funds schools in an effort to rein in costs.

Asked why two lobbyists had input into the budget process, Eileen Hawley, the governor's spokeswoman, said, "I think you're digging to find things that aren't there ... we sought the counsel of a lot of people in that process."

Senate Minority Leader Anthony Hensley, D-Topeka, said it was highly inappropriate for lobbyists to be given information on the budget before lawmakers.

"They're not part of the governor's staff," he said.

Kensinger, who left the governor's office in April 2012, works as a lobbyist for the Club for Growth, Kansas City Power & Light and other business and political entities. Democratic lawmakers and some moderates say he continues to wield influence in the administration.

Hensley referred to him as a "shadow chief of staff." Kensinger did not respond to a request for comment.

The governor told The Eagle in October that he rarely speaks to Kensinger about policy, but Sullivan's e-mail thanks the recipients for "helping us work through this budget process."

Last April, the Topeka Capital-Journal reported that Kensinger was the subject of a federal probe for influence peddling at the Capitol.

Dugan also has forged a career as a lobbyist since running the governor's re-election campaign. He would not answer questions Tuesday but e-mailed a statement later: "Governor Brownback seeks input from a wide variety of sources and I'm honored to be one of them."

Rep. Jim Ward, D-Wichita, said the inclusion of lobbyists in budget talks shows the Brownback administration doesn't "seem to know the lines between government public action and private industry."

## A 'loophole' in state open records act

The governor was not included on Sullivan's budget e-mail. Sullivan said that's because they spoke about the budget daily during November and December and Brownback did not need the same update.

Other recipients of the e-mail include Hawley; Lt. Gov. Jeff Colyer; Landon Fulmer, who then was the governor's chief of staff; Jon Hummel, who replaced Fulmer; Kenny Wilk, chair of the Kansas Board of Regents; Tim Shallenburger, the governor's legislative liaison; Chuck Knapp, who was appointed Colyer's chief of staff in December; Kim

Borchers, the governor's appointments secretary; and Kent Glasscock, president of Kansas State University's Institute for Commercialization.

With the exception of Glasscock, who received the e-mail on his KSU e-mail address, everyone received it on a non-government e-mail address. Although it was government business, Borchers received it on her official Brownback campaign e-mail address.

Sullivan said he accidentally typed in Borchers' campaign address and that he only sent it to private e-mail addresses because many staff members were at home for the holidays.

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.

"It's definitely a loophole," said Mike Merriam, a retired Washburn University School of Law professor who serves as general counsel for the Kansas Press Association. "So government officials are able to communicate with each other even on official business as long as they do it at home, and that's plainly not the intent of the law in my opinion."

Sullivan said use of his personal e-mail account was not intended as a way to skirt the open records act.

"Why it was done on personal e-mail was because it was done while I was at home on Christmas," he said.

Hensley said the private communication was an attempt to avoid public scrutiny. "I would assume that this is par for the course, that this is a method they've utilized, I'd assume, for a number of months or not years."

Hawley and Sullivan would not say directly how often the governor's staff used private e-mails for public business.

"There's one e-mail that was sent over a holiday to personal e-mail accounts. I would not say that's indicative of any trend," Hawley said.

Personal e-mail addresses are sometimes used to contact members of the government staff during off hours, she said, adding that if she's at home her personal e-mail goes straight to her phone.

Sen. Jacob LaTurner, R-Pittsburg, said he was concerned about the use of private e-mails.

"If the goal is to hide that from the public, then that's not right," said LaTurner, an advocate for government transparency who plans to introduce a bill later this week that would prohibit government agencies from charging exorbitant fees for open records requests.

Ward said the problem with using private e-mails is that "no one can track decision-making."

Twenty-six states consider e-mails by public officials about public business on private accounts to be subject to open records laws, according to the Reporters Committee for Freedom of the Press. Florida Gov. Rick Scott currently faces a lawsuit that alleges he tried to flout that state's open record laws through private e-mails.

For his part, Sullivan made light of the e-mail, joking on social media that he would only communicate via Twitter in the future.

## Insight into budget challenge

Sullivan's e-mail gives some insight into the political challenges facing the administration in passing a fix for a \$648 million budget deficit for the fiscal year that begins in July.

While Kensinger and Dugan got to see the budget before the majority of lawmakers, the e-mail discusses talks with some top Republican lawmakers.

"The reaction to this from the House budget and tax leadership has been more positive than from the Senate budget leadership and Sen. Bruce," Sullivan writes in the e-mail.

Senate Majority Leader Terry Bruce, R-Hutchinson, has been outspoken in his resistance to raising taxes, which is part of the governor's budget fix. Sullivan would not discuss whether the reference to Senate budget leadership referred to Sen. Ty Masterson, R-Andover, who chairs the Ways and Means Committee.

Bruce laughed when shown the e-mail. "I've never shied away from the fact that I think it's an ugly budget," he said.

In the e-mail, Sullivan uses the phrase "house of cards" when discussing proposed policy changes to KPERS, the state's public pensions system. Asked what he meant, he said he was referring to the system's high cost as part of the larger budget.

"While there is plenty in here for people not to like, we have a proposal that attacks the cost drivers of K-12, KPERS and Medicaid," he says later in the e-mail.

Sullivan's e-mail was sent about two months after The Eagle filed an open records request in October for e-mail correspondence and phone communication between Kensinger and the governor's office since April 2012.

Hawley said the use of personal e-mails had no connection to the records request.

The governor's office gave The Eagle an initial reply that it was processing the request but did not provide The Eagle with a cost estimate of \$1,235 until Jan. 13, the day after Brownback was sworn in for a second term

Read more here: <http://www.kansas.com/news/politics-government/article8345505.html#storylink=cpy>

## Budget director: Kansas budget bill needed by mid-February to pay bills

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/28/2015 11:19 AM

TOPEKA

Kansas will have difficulty paying its bills if lawmakers do not pass a measure to fix a \$279 million budget shortfall by mid-February.

Shawn Sullivan, the governor's budget director, said the Republican-dominated Legislature should pass a bill by Feb. 13 to ensure that the state can keep paying its bills on time.

Gov. Sam Brownback released a plan in December to close the shortfall through a combination of cuts and transfers from the state's highway fund and other sources into the general fund.

More than \$200 million of the changes require legislative approval.

The nonpartisan Legislative Research Department previously said the state would be unable to pay some of its bills by mid-February.

Sullivan couched his reply when asked if the state would begin bouncing checks next month.

"In mid-February, cash flow gets tight. We can write checks," he said. "We have school payments going out of \$45 million on Feb. 17. We've got another \$129 million that goes out in late February, so our ability to pay all of those becomes impacted if we don't have this rescission bill by then."

The state's cash balances ebb and flow as it collects tax revenue and spends money on services. The state approved borrowing \$675 million in June to help fill coffers at times when cash flow is low. It cannot do that again unless it is able to pay that money back, as required by statute.

The House Appropriations Committee began hearings Wednesday on budget-balancing measures, and Chairman Ron Ryckman Jr. said he expects it to pass a bill by Monday, so that the full House can debate it next week.

"We are up against it," Ryckman, R-Olathe, said.

The state faces not only a projected shortfall in its current budget, but a \$436 million gap between anticipated revenues and current spending commitments for the fiscal year beginning July 1. The shortfalls arose after lawmakers, at Brownback's urging, aggressively cut personal income taxes in 2012 and 2013 to stimulate the economy.

In the past, Kansas has delayed monthly aid payments to public schools and other bills when budget problems have caused cash crunches. But Sullivan said if a budget-balancing plan passes quickly the state should be fine through June,

"We'll work it out," said Sen. Jeff Melcher, R-Leawood, when asked if lawmakers would pass the needed bill by mid-February. "We're not going to ever let a check bounce. Whether it's going to be exactly as it is (as proposed by the governor) I don't know, but we'll work to meet the deadline on that. I have no concerns about us honoring our responsibility."

Sen. Ty Masterson, R-Andover, chair of the Ways and Means Committee, also was confident that the Senate would be able to pass a bill on time. He said the House presents more of a challenge.

"I'm highly confident that we will make it through the process. The only caveat to that is if there's members of the House who will try to thwart the process for political reasons," Masterson said. "The House is a little less predictable. ... Sub-factions are more common over there and that would be the only reason to slow it."

Rep. Scott Schwab, R-Olathe, who has been in the Legislature for 13 years, said lawmakers have been in similar situations under previous governors and have always managed to pass a bill in time.

"It's not as big of a deal as it looks," Schwab said. "It'll probably be a bipartisan effort if folks start coming up short. ... They (Democrats) will help us get it passed if we need to, because they understand this."

He said it was amazing what can be accomplished in a short amount of time when something needs to be done.

Brownback has blamed much of the shortfall on unanticipated education costs connected to the aid for poor public school districts after the Kansas Supreme Court mandated increases in a lawsuit filed in 2010 by parents and school districts.

The governor is sticking by an earlier proposal to cover the extra costs, setting total school aid at \$3.7 billion under the current budget, then drop it to \$3.6 billion for the next fiscal year. He's also proposing that lawmakers repeal the existing formula for distributing aid and write a new one.

Rep. Jerry Lunn, R-Overland Park, a House Appropriations Committee member, said forgoing the additional funds in the current budget should be an option.

"When we put this thing together last year, we didn't realize that we were going to have that \$64 million hit," Lunn said.

But Rep. Jerry Henry, of Atchison, the Appropriations Committee's ranking Democrat, said it's problematic not to cover the unanticipated costs because lawmakers were responding to a court order.

Read more here: <http://www.kansas.com/news/politics-government/article8451207.html#storylink=cpy>

## Rewriting the history of Kansas budget problems

01/31/2015 6:05 PM

The rush is on to rewrite the history of Kansas tax policy and shift blame for the state's budget problems. After initially blaming President Obama for the state's revenue shortfall, Gov. Sam Brownback in recent weeks has blamed [public schools](#) (costing too much), the [Legislature](#) (didn't pass the tax cut plan he wanted and then overspent) and the state's official revenue estimators (too pessimistic). A Wall Street Journal [editorial](#) last week blamed liberals and moderate GOP lawmakers (even though they are overwhelmingly outnumbered in the Legislature) and said that Brownback "never claimed his plan would be instant Miracle Gro for public coffers" (even though

he [said](#) that the tax cuts would act “like a shot of adrenaline into the heart of the Kansas economy”). – **Phillip Brownlee**

Read more here: <http://www.kansas.com/opinion/opn-columns-blogs/now-consider-this/article8829803.html#storylink=cpy>

# Lawmakers propose tightening open records laws in response to Brownback aide’s private e-mail

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/31/2015 4:06 PM

Gov. Sam Brownback says he doesn’t know how often members of his staff use private e-mails to conduct official state business. He mostly uses his private cellphone rather than a state-owned one.

“I have no idea how often staff does private e-mails. I don’t have any idea,” he said Friday. “I use my cellphone to communicate with most of the time on almost anything.”

The governor’s comments come after The Eagle reported that state budget director Shawn Sullivan had used a private e-mail account to send a draft of the state budget to two lobbyists and several top administration officials two days before Christmas.

Politicians and public officials from both parties nationwide have been able to avoid – intentionally or accidentally – scrutiny for their decisions because of loopholes in open records laws when it comes to private e-mail accounts and electronic devices.

Senate Democrats in Kansas said they plan to introduce a bill this week aimed at closing loopholes. Some Republican lawmakers said they would be open to legislation that makes private communications public records when they pertain to state business.

“There’s a transparency issue here that ought to be considered,” said Rep. Don Hineman, R-Dighton.

Hineman questioned the administration’s commitment to transparency and said Sullivan’s explanation that he used private e-mails because he was home for the holidays “doesn’t pass the smell test.”

“I personally have access to my state e-mail account on all my electronic devices wherever I am at any time of day. And I assume that’s true for practically everyone in state government. You’re never at a loss for access to your official state e-mail account,” Hineman said.

The governor’s office said the use of private e-mails to collect feedback on the budget was not an attempt to purposefully skirt the Kansas Open Records Act.

## Subverting ethics laws?

Open records laws – sometimes known as sunshine laws – are meant to ensure public accountability. But many states, including Kansas, have no official position on whether they apply to private communications by public officials about state business.

This leaves the public vulnerable, said Emily Shaw, national policy manager for the Sunlight Foundation, a national group that promotes accountability in government.

“Any laws that could have loopholes that prevent the public from seeing all of the lobbying that’s going on, that’s also subverting the ethics laws we put in place to protect the public,” she said.

States across the country are grappling with the issue, as is the federal government.

A case before the California Supreme Court will determine whether communications by public officials should be exempt when they’re on private devices; at least 26 states have amended their open records laws to extend to private e-mail accounts.

In Washington, congressional Republicans have accused the Obama administration of using private e-mails to skirt the federal Freedom of Information Act. The U.S. House

passed a bill in September to prohibit IRS officials from conducting official business on private e-mail accounts in response to the use of private e-mail by Lois Lerner, the former IRS official accused of unfairly targeting conservative tax-exempt groups.

“The fact that our laws haven’t caught up with the technological change doesn’t mean we shouldn’t have access to it,” Shaw said. “Changing your e-mail account, everybody knows, is just a matter of clicking over another tab. So that hardly qualifies as a legitimate reason to call something private.”

## Legislators left out

The discovery that Sullivan shared the budget with lobbyists via a private e-mail account rankled some members of the governor’s own party.

Senate President Susan Wagle, R-Wichita, defended the governor’s right to have private communications, but she also showed frustration that lobbyists got to preview the state budget before lawmakers.

“Everyone has a right to an inner circle and personal communications that can be kept in confidence. In this case, I wish his inner circle included more legislators ... since we are the ones who ultimately vote on his proposals and make tough decisions,” Wagle said in an e-mail.

The two lobbyists, David Kensinger and Mark Dugan, are former staffers of Brownback, but some lawmakers have called their inclusion on budget discussions inappropriate. The governor said he sought counsel from a broad number of people on the budget and the pair offered frank advice.

Senate Minority Leader Anthony Hensley, D-Topeka, said the use of personal e-mails and private phones showed the administration’s disregard for the spirit of the state’s open record laws.

## Scope of use unknown

Eileen Hawley, the governor's director of communications, said she had no way of knowing how widespread use of personal accounts or electronics for official business is within the Brownback administration.

"I don't know. Because we don't have a policy that says, oh good, everybody join in and use your personal e-mail. I have no idea who's using personal e-mail. There is no way for us to scope that out," Hawley said.

Asked if there was any prohibition against private e-mail for state business, she responded, "Why would there be?"

Doug Anstaett, executive director of the Kansas Press Association, called the lack of a specific policy in the administration troubling.

"That indicates they're leaving it up to each individual and really this ought to be a hallmark of public officials that applies to everybody, not giving individuals the option of opting out of what's really expected by the public," Anstaett said.

"Public business ought be taking place in public and those e-mails ought to be taking place on their public e-mail address ... to use private e-mail to circumvent KORA is unacceptable not only I think to the Press Association but to the public in general," he said. "They don't like for secrecy to be the way that government business is conducted. And I think if you'd ask the average Kansan they'd agree that this ought to be done in public."

## It's 'just about convenience'

Senate Majority Leader Terry Bruce, R-Hutchinson, said he didn't think Sullivan was intentionally trying to avoid the open records law.

"I don't think most people are just trying to silence anything," he said. Bruce explained that he sometimes receives e-mails to his personal account about state business or text messages because those are the fastest ways to get in contact.

“I got to think in most cases it’s just about convenience,” he said.

However, he’s open to reviewing the state’s current policies to ensure that official state business is a matter of public record.

“I mean what’s happened is technology has just advanced at such a rapid pace ... and some people you just can’t get by one e-mail or the other. It’s just about what’s most convenient,” he said, explaining that lawmakers should work to make sure there are clear guidelines.

“Just because it’s hard to draw a line doesn’t mean there shouldn’t be one,” he said.

For his part, Brownback was resistant to the idea of extending the state’s public record laws to include communications on private devices.

The governor said he could probably get a state-issued phone if he wanted, but that he prefers to use his own.

“But then I got to think, OK, if I’m calling my wife (on a state-issued phone), is that state business or personal business, so, look I’ll just pay for it. It’s easier that way,” he said.

His use of a private phone means that there won’t be an accessible record of his communications with lawmakers, lobbyists, industry leaders and others on state business.

Hensley said he has been able to request the records of state officials’ state-issued phones in the past and that Brownback’s apparent exemption raises questions.

“When you’re governor, you shouldn’t be concerned about what’s easier. You should be concerned about what’s right,” he said.

Read more here: <http://www.kansas.com/news/politics-government/article8868725.html#storylink=cpy>

## Chapman Rackaway: Myth of the monolith

BY CHAPMAN RACKAWAY

01/30/2015 6:05 PM

Arthur C. Clarke's sci-fi novel "2001: A Space Odyssey" features an obsidian monolith, a single unified entity that brings change in its wake. The word "monolith" has been overused in Kansas lately, especially related to Gov. Sam Brownback's takeover of state government since 2010.

We recently saw the first cracks in monolithic government, and that news promises a significantly different legislative session than expected.

With conservative supermajorities in both chambers, most expected the Legislature to be at Brownback's beck and call. The governor and his allies rallied an incredible resource base around those selfsame conservative champions to elect them and may have expected monolithic loyalty.

But the governor and Legislature are clearly not on the same page, and his recent remarks show that potentially deep divisions are about to emerge within the state.

[Speaking](#) to the Greater Topeka Chamber of Commerce (the local extension of the entity that backed the conservative takeover of the Legislature), Brownback opined that the tax-revision-driven budget shortfall that fueled Democrat Paul Davis' near upset election last year was not his fault, but the Legislature's.

Considering Brownback had enthusiastically called the tax plan a "shot of adrenaline to the heart" of the Kansas economy, the fact he chose to place blame on the Legislature for something he had been touting as a success was shocking. When anti-tax activist Grover Norquist [called](#) Brownback's reversal "detrimental," the shock was magnified.

More important, though, is it tells us there is no monolith.

Brownback may feel double-crossed by the Legislature. Knowing he had a re-election fight ahead of him, in 2013 Brownback asked the Legislature to extend a sales tax that was scheduled to sunset. Brownback was thinking revenues and re-election. The Legislature thought extending the tax looked like the tax increases they had sworn to

forsake to interest groups like Norquist's Americans for Tax Reform that shoved "no-tax" pledges into their hands during campaign season.

If Brownback had monolithic support, he simply would have reminded his legislative minions of the fealty they owed him from their resounding campaign victories and extended the tax with minimal stress. Reality did not bear that assumption out. The Legislature, embodied by statements by House Speaker Ray Merrick, R-Stilwell, that the state's real problem was not revenue but spending, took significant lobbying before extending part of the tax.

We can expect a similar outcome this year, especially now that Brownback has publicly shown division from the Legislature [with](#) massive tax increases, especially on cigarettes and alcohol.

The governor may feel pressure to fund schools, but the Legislature will have other ideas. Some legislators will line up behind the governor, but a number of Republicans will not. Thus we will see an interesting new development: the resurgence of factions in the Legislature.

The monolith may bring change, but our Legislature and governor are anything but monolithic. The Legislature may even decide to make some decisions that Brownback will not like at all.

Factions may align on abortion, for instance, but split apart on "sin taxes," open firearms carry, or the response to the Kansas Supreme Court's school funding decision. After all, that is their prerogative, and we should not automatically expect that the governor will get everything he wants out of the 2015 session.

*Chapman Rackaway is a professor of political science at Fort Hays State University.*

Read more here: <http://www.kansas.com/opinion/opn-columns-blogs/article8758097.html#storylink=cpy>

## Activists urge lawmakers to move ahead with police body camera bill

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/29/2015 1:26 PM

Activists passionately urged lawmakers to advance a bill mandating that police officers wear body cameras as a way to increase accountability Thursday.

But law enforcement agencies and some Republicans said it would be difficult to pay the high cost of such a mandate.

The Senate Committee on Corrections and Juvenile Justice reviewed SB 18. It says that any law enforcement officer, from the Kansas Highway Patrol to small-town police departments, “who is primarily assigned to patrol duties shall be equipped with a body camera while performing such duties.”

Sen. David Haley, D-Kansas City, the bill’s sponsor, called body cameras “the wave of the future” and said the bill would protect both police and private residents.

The camera would be used to record motor vehicle stops and other interactions between residents and police. If an officer entered a residence for non-emergency services, the resident would have the option of stopping the recording.

Rep. Gail Finney, a Democrat who represents District 84 in central-northeast Wichita, said that for as long as she can remember there has been tension between police and residents of her neighborhood, who are predominantly people of color.

“People are scared. I’m a mother. I’m a grandmother,” Finney said. “I have grown sons. ... I’m afraid that my babies could be just driving down the street. They could be pulled over and make one mistake and they could lose their life.”

Djuan Wash, an activist with Wichita-based Sunflower Community Action, said body cameras would have prevented the ambiguity surrounding the death of John Paul Quintero.

Quintero was fatally shot Jan. 3 after police responded to a 911 call that he was armed with a knife and under the influence of alcohol. He died later at a hospital. Police did not recover a weapon.

Wash asked those in attendance to raise their hands if they have ever lied. People lie, he said, and police officers are people.

Senate Vice President Jeff King, R-Independence, took issue with a part of the bill that he said places a presumption of guilt on officers. That portion says that in cases where a law enforcement agency is unable to produce a video recording “there shall be a presumption that the recording would corroborate the version of the facts advanced by the defendant in a criminal action or the party opposing the law enforcement officer.”

Increased transparency resulting from body cameras would help strengthen relations between police and public, Finney said. She suggested civil forfeitures or fines from DUI arrests could be used to help pay for the costs.

## Costs of the measure

But cost is a major barrier for the bill.

Sen. Forrest Knox, R-Altoona, noted that it would require personnel to watch the hours of tape collected by officers and that would take a lot of manpower.

The bill would require law enforcement agencies to retain video and audio for three years in cases where force was used or an arrest was made.

The city of Wichita announced plans last month to use grant money and money seized from drug arrests to buy about 450 body cameras by the end of 2015.

It submitted testimony opposing the bill, saying it “does not provide a funding source or timeline for implementation. Local governments will find it impossible to find the budget resources to cover the unfunded mandates in the legislation.”

Major Dawn Layman of the Lenexa Police Department, which implemented a body camera program in 2009, said local agencies should be allowed to determine whether and how to set up similar programs.

Layman, who oversees technology for the department and wore a body camera to the hearing, laid out the costs the bill's various mandates could have for departments.

"This body camera here cost \$900. Times 100 officers that's \$90,000 just for the cameras. Now we have to store it. We've just purchased a 100 terrabyte server: \$200,000," she said.

"And then if you follow some of the things in the bill. Somebody has to review all that video," she said. "Say you have 10 officers on a shift ... times three shifts, seven days a week ... to review all that video before you destroy it you have to have 10.5 full-time positions to review that. Ridiculous."

The Rev. Ben Scott, president of the Topeka chapter of the NAACP, replied to money concerns that "the cost of putting up a tape for three years is far less than the cost of a life that's out on the street. As you look at these kinds of issues, try to put yourselves in the shoes of some of us."

"Because I'm black, I might look like a suspect," he said. "I could become one of those persons who could get shot."

The hearing ran out of time before opponents could testify. It will resume Monday.

### 'Big Brother' or transparency?

The bill needs to be tweaked to allow local departments to implement the policies according to their means, but without body cameras the public must rely on hearsay in cases of alleged police wrongdoing, said Walt Chappell, a former member of the Kansas Board of Education who serves on an advisory board on racial profiling for the Wichita Police Department.

"We have 'he said-she said.' And that doesn't cut it," he said.

Sen. Greg Smith, R-Overland Park, the committee's chair, remarked that given Chappell's views on education – he is a fierce advocate for local control of schools – Smith was surprised that he would support a “Big Brother” approach rather than allowing local communities to set their own policies.

Chappell responded that it was critical to ensure transparency across the state.

“And as citizens we aren't protected,” he said. “I think we need to provide that guarantee.”

Read more here: <http://www.kansas.com/news/politics-government/article8571488.html#storylink=cpy>

## Appropriations chair Ryckman steps down as Kansas House majority whip

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/29/2015 2:51 PM

Rep. Ron Ryckman Jr. has stepped down as majority whip in the Kansas House, citing his recent appointment as appropriations chair.

“It has been an honor to serve as House Majority Whip for over a year,” Ryckman, R-Olathe, wrote in a short letter to his Republican colleagues. “Because of my new commitment as chairman of the Appropriations Committee, the caucus will be best served if I step back from my role as Whip and focus solely on the budget.”

The job of the whip is to build consensus among the party on key votes. Republican House members will have to select a new whip to replace Ryckman.

Ryckman, in his third year at the Legislature, was made chair of the House Appropriations committee, which oversees the budget, last month. He faces the difficult task of pushing through a fix to the current year's budget by mid-February so the state

can keep paying its bills on time and then filling a projected \$648 million hole in next year's budget.

Read more here: <http://www.kansas.com/news/politics-government/prairie-politics/article8576558.html#storylink=cpy>

# Lawmakers may give themselves a permanent place to pray at Capitol

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/29/2015 2:23 PM

Kansas lawmakers may establish an official meditation room in the Capitol, where they and others can go to pray.

The bill, if passed, would establish something that already exists. An open office on the second floor of the Capitol – the floor that houses the governor's office – has already been set up as a mediation space by Gov. Sam Brownback.

Dave DePue, a close friend and spiritual adviser to Brownback, said the governor chose to lend the room for that purpose. The bill would ensure that “the next governor doesn't make a smoking room out of it or something like that. Or grab it as an office and fill it with people.”

The bill will go before the House after being advanced by the House Committee on Federal and State Affairs on Thursday. Rep. Annie Tietze, D-Topeka, was the lone dissenting vote.

DePue said the mediation room gives lawmakers and other Statehouse employees a place to find respite during the long work hours of the legislative session.

“You can sit in your office, but there’s no privacy. And you can weep in the hallway, but there’s no privacy,” DePue said. “But this gives you just a place of respite where people can go if they’re stressed or they want to meet with another person or just pray or cry.”

DePue is the Statehouse’s unofficial chaplain. He is not a state employee, but is the director of Capitol Commission, a Christian group that places fulltime pastors in statehouses around the country. He can often be seen walking the hallways of the Capitol alongside the governor or lawmakers.

His website features a testimonial from Speaker Pro Tem Peggy Mast, R-Emporia, praising him as “our servant leader in the Capitol.”

Asked if the meditation room would be set up for a specific religion DePue replied, “It’s for everybody, so really one group shouldn’t do that,”

The room prominently features Judeo-Christian symbols, such as a painting depicting the Ark of the Covenant and another of Moses kneeling before the burning bush.

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Read more here: <http://www.kansas.com/news/politics-government/prairie-politics/article8574557.html#storylink=cpy>

## Rep. Jim Ward: Core state functions at risk

BY REP. JIM WARD

01/29/2015 6:02 PM

01/30/2015 12:02 AM

The good news is the economy in Kansas and the nation continues to improve.

The bad news is our state government is in crisis, and the core functions of government – public safety, sound education and strong infrastructure – are at risk.

Gov. Sam Brownback is in denial and is now proposing dangerous solutions. He wants to raise taxes on beer and tobacco while killing your home-mortgage deduction.

He wants to choke off funding for public education behind a smoke screen of talk about “complex” school formulas and block grants. The bottom line of his “solution” is less money for our schools.

Many of my colleagues, Republicans and Democrats alike, believe these are not answers for rebuilding Kansas. We need to face reality and make the difficult decisions to end this crisis. Kansans have a right to the truth.

We need solutions that we know work:

- Return to a sane tax policy that shares the costs of the essential business of Kansas government fairly among all those who benefit from its products of safety, education and infrastructure.
- Restore the full home-mortgage deduction, which has successfully helped working families obtain home ownership for decades.
- Renew our commitment to funding public schools that works for all students, from special education to honors, from small rural schools to the largest schools in big cities.
- Raise the Kansas minimum wage so that no one who works a full-time job lives in poverty and finds themselves unable to provide the essentials of life for their family. An increased minimum wage also helps improve the wages for all Kansans.
- Expand Kansas Medicaid and provide health insurance to about 175,000 Kansans who still do not have basic health care. Hospitals around the state tell us that acceptance of Medicaid expansion – something you have already paid for with your federal taxes – is critical for the future of health care. It is the right thing to do for the Kansas economy.

Kansans have faced adversity before. We know what it takes to get through it. With determination and a willingness to enact real solutions, together we can build a better Kansas.

*Jim Ward is a Democratic state representative from Wichita.*

Read more here: <http://www.kansas.com/opinion/opn-columns-blogs/article8591966.html#storylink=cpy>

# Only death would let candidates off ballot in bill promoted by Kobach

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/28/2015 7:03 PM

*Editor's note: The bill number in this story has been corrected to HB 2104. An earlier version had an incorrect number.*

Candidates who win a primary election would have to stay on the November ballot unless they die – and they would have to do that by Sept. 1 – under a change in election law being pushed by Secretary of State Kris Kobach.

The bill – called the “Taylor bill” by Kansas Republicans – rewrites the statute at the center of the court battle between Kobach and Shawnee County District Attorney Chad Taylor. Taylor, a Democrat, withdrew from the race for U.S. Senate in early September, essentially clearing the way for independent Greg Orman to take on Republican Sen. Pat Roberts.

Kobach said Taylor should stay on the ballot, contending he had not met state statute that requires a candidate to declare himself unable to serve; Taylor did not state that in writing. The Kansas Supreme Court rejected Kobach’s argument and Taylor was taken off the ballot.

The case received national attention.

HB 2104 would strike that section of the law, leaving death as the only reason a person could be taken off the ballot. The name of a candidate who died after Sept. 1 would remain on the ballot, Kobach said, because of the tight time line for printing ballots.

Kobach testified on the bill before the House Elections Committee on Wednesday. He called it a direct response to the Taylor ruling but said he was not pushing it because of sore feelings over the high-profile court loss.

“No, it’s not sour grapes at all,” Kobach said. He said it was necessary for the Legislature to reassert its constitutional authority in the wake of what he considered a flawed ruling.

“Here was an example of the courts misinterpreting the laws clearly. ‘Sour grapes’ suggests that you’re sour for losing and because of that loss you’re doing something,” Kobach said. “No, I’m trying to prevent this from happening again. It’s not sour grapes. It’s looking forward to, OK, if the courts have a tendency to misinterpret Kansas election law this’ll prevent that from happening.”

The bill would also require courts to interpret the word “shall” as mandatory. A Shawnee County court rejected a lawsuit to force the Kansas Democratic Party to appoint a replacement for Taylor; the statute says that when there’s a vacancy on the ballot, the party committee shall appoint a replacement.

“We had two examples of the courts grossly misinterpreting the meaning of Kansas law. The Supreme Court essentially ruled that ‘declare’ doesn’t mean ‘declare’ and the three-judge panel literally ruled that ‘shall’ means ‘may,’” Kobach said.

“When a court gets it wrong, the Legislature has to act in order to reassert its constitutional role as the writer of laws. ... If the court had interpreted the law correctly, we wouldn’t be doing this,” he added.

Rep. Steve Huebert, R-Valley Center, said he would probably vote for Kobach’s bill, but questioned its necessity. He said Kansas voters had performed a check on the courts, arguing that the reaction to the Taylor case helped galvanize Republican support for Roberts, which also benefited Gov. Sam Brownback and other Republican candidates.

Rep. John Carmichael, D-Wichita, repeatedly sparred with Kobach during the hearing.

“Of course he’s retrying the Taylor case. The secretary of state lost. He lost for a good reason,” Carmichael said after the hearing.

Kobach's bill would mean that if a person was legitimately unable to serve – because a family member became ill or because he or she moved out of the district – the person would still be forced to run and then resign immediately upon taking office, Carmichael said.

In the case of legislators, that would mean precinct committee members would pick the replacement rather than voters.

“He’s defeating the ultimate purpose of democracy and that is to honor the electorate’s decision,” he said.

Carmichael said Kobach was attacking the courts as part of a bigger political agenda, which he saw as connected to another Kobach bill, HB 2108, which would allow straight ticket voting in Kansas – including in partisan judicial races in Sedgwick County.

Kobach said that allowing straight party ticket voting as an option would prevent voter drop-off down ticket. In the last election, 68,000 people cast votes for governor but not for state representative.

Kobach called it “a matter of voter convenience.” He said many voters are in a hurry when they come to the polls.

“I think we should give voters this option. I’m certain this will speed up the process,” he said.

He said newspaper editorials that have suggested the policy encourages thoughtless voting were an insult to the intelligence of Kansas voters.

The straight ticket voting would not affect nonpartisan races or ballot questions. It also would not prevent someone from voting for a straight Republican ticket and then choosing a Democrat in one or two races, or vice versa.

Rep. Kathy Wolfe-Moore, D-Kansas City, who attended the hearing but is not a member of the committee, said Kobach’s bill is exactly the direction that people want politicians to move away from – being so partisan.

“We work very hard in Wyandotte County so that when people get to the voting booths we’ve given them opportunities to learn about the candidates, to study them,” she added. “This flies in the face of thoughtful decisions.”

Read more here: <http://www.kansas.com/news/politics-government/election/article8533769.html#storylink=cpy>

# Kansas House moves to stop late-night sessions, bill bundling

BY JOHN HANNA

ASSOCIATED PRESS

01/27/2015 6:43 PM

01/27/2015 6:47 PM

TOPEKA

Kansas House members moved Tuesday to eliminate post-midnight meetings and make it harder to bundle multiple measures into a single bill, two longstanding practices critics see as causing sloppy lawmaking.

The House gave first-round approval to proposed rules for the chamber that say it can’t meet from midnight to 8 a.m. unless two-thirds of its members allow it. Such meetings most often occur at the end of the Legislature’s annual 90-day session and are often used to wear down recalcitrant legislators on big issues.

House members also advanced proposed rules for interaction between that chamber and the Senate. The joint rules would prohibit House and Senate negotiators from bundling more than two measures on a broad topic, such as taxes or changes in criminal laws, into a single bill for a final up-or-down vote in each chamber.

But House members rejected a proposal to require recorded votes on every proposed amendment to a bill during debate and every time they consider giving a bill first-round

approval. The vote was 67-51 to retain the practice of having a recorded vote if 15 of the 125 members ask for one.

The House is scheduled to take action Wednesday on both sets of rules. The chamber's rules would take effect immediately if approved and remain in place through 2016. The Senate would have to consider the proposed joint rules, however.

"The best way to fashion policy is not to be working all night long," said Rep. John Rubin, R-Shawnee. "We ought to have an opportunity to fully vet as much of the legislation as we can."

House Speaker Ray Merrick, R-Stilwell, said after the House debate that the rules changes could lengthen the annual session. House Judiciary Committee Chairman John Barker, R-Abilene, argued that lawmakers shouldn't hamstring themselves in drafting legislation or holding a few around-the-clock sessions to finish their year's work.

"This is like baseball," Barker said. "We play until somebody wins."

But supporters of the time limit mentioned the Rep. Bob Bethell's death in a car crash in May 2012. The Alden Republican was driving home after lawmakers concluded an early morning session and met again the same afternoon.

House members voted 69-49 in favor of banning post-midnight sessions.

"I don't want to lose another colleague," said Rep. Barbara Bollier, R-Mission Hills and a retired anesthesiologist. "Safety should be first."

House members added the anti-bundling provision to the joint rules on an 82-35 vote, showing that irritation with the practice cut across ideological lines.

The practice occurs because the same senators and House members often negotiate over the final versions of multiple bills dealing with the same broad topic, such as insurance or agriculture. It's common for them to bundle two or three measures in a single bill, and sometimes the number is as high as a dozen.

Under the Legislature's rules, the package then goes before each chamber for a single up-or-down vote, with no amendments allowed.

Read more here: <http://www.kansas.com/news/politics-government/article8421927.html#storylink=cpy>

# Kansas measure would boost penalties for burglaries

ASSOCIATED PRESS

01/27/2015 6:39 PM

TOPEKA

A bill in the Kansas Senate would stiffen penalties for home burglaries, but senators are worried that the measure might further strain the state's crowded prisons.

Other than murders and rapes, home burglaries touch victims on a deeper level than any other crime, Assistant County Attorney for Leavenworth Christopher Scott testified to the Senate Corrections and Juvenile Justice Committee on Tuesday.

He said victims are often incensed at what they see as disproportionately low sentencing guidelines that often result in probation even for serial offenders.

"Sometimes I joke when we get these burglary cases and they're getting probation, 'I wish they'd have had a little meth in their pocket when they were caught after committing the burglary,' because we may have actually gotten some decent time on them," Scott told the committee.

While some home burglars could still receive probation under the bill, the first conviction of aggravated burglary would result in a minimum of more than five years behind bars and repeat offenders could face more than 14 years in jail. The bill would also stiffen penalties for a burglary with the intent to steal a firearm, adding 12 months to such sentences.

Republican Sen. Jeff King of Independence said that while he was a strong proponent of the bill, the expectation that it would require space for about 100 more prisoners in state facilities gave him pause.

Kansas' prison population is growing and is expected to exceed capacity by the end of 2014, according to estimates by the Department of Corrections. The department expects that state prisons will be over capacity by 7 percent by 2024.

To compensate for the potential increase, public defender Jennifer Roth proposed to the committee an amendment that would remove repeat shoplifting cases from the definition of burglary. Currently, shoplifters that have already been banned from a store are often charged with aggravated burglary, she said, rather than misdemeanor trespassing.

The Kansas Sentencing Commission is studying what impact such an amendment would have on prison populations.

Read more here: <http://www.kansas.com/news/politics-government/article8421840.html#storylink=cpy>

## Gun-rights camel already in the tent

01/27/2015 12:35 PM

Gun-rights groups often warn against allowing the “gun-control camel” to get its nose under the tent. But in Kansas, the opposite happened. When the Legislature voted in 2006 to allow concealed-carry guns in Kansas, proponents assured the public that there would be permitting requirements and other restrictions. Not long after that, lawmakers blocked local governments from having additional concealed-carry restrictions. Then last year, they [prohibited](#) cities from restricting the open carry of guns. Now, 26 state senators are [sponsoring](#) a [bill](#) that would allow any Kansan who can legally own a gun to carry it concealed in public, no permit or training class required. “It is like we are going back to the wild, wild West,” said Sen. Oletha Faust-Goudeau, D-Wichita. — **Phillip Brownlee**

Read more here: <http://www.kansas.com/opinion/opn-columns-blogs/now-consider-this/article8278737.html#storylink=cpy>

# Mayor Brewer tells Legislature: Hands off local elections

BY DION LEFLER

THE WICHITA EAGLE

01/27/2015 6:33 PM

In one of the last comments of his last State of the City speech, Wichita Mayor Carl Brewer told the state Legislature to keep its hands off local elections.

“In conclusion, I want to speak briefly about the importance of local elections,” Brewer said. “Local elections, they’re the cornerstone of local government. They deserve to remain separate from state and federal elections.”

Brewer’s comment represents a final shot across the bow at the Statehouse, where Secretary of State Kris Kobach and Republican legislators are considering a bill to move municipal elections from the spring to the fall.

The proposal also would change local elections from nonpartisan to a system like the ones used to elect state legislators and county commissioners, in which primary elections pick party candidates who run against each other in the general election.

Brewer said he thinks that would be a mistake.

“Local elections should not be about party affiliation,” he said. “They should be about doing what’s best for our community.”

Not everybody in the audience agreed with the mayor’s stance.

John Todd, a Republican and political activist, said he thinks shifting the elections would bring higher turnout. And he said city elections now are not all that nonpartisan anyway.

“A lot of the issues we face in the city are partisan,” he said. “Recognizing and capitalizing on that is a positive for the public.”

Brewer, a Democrat, is finishing up his eighth year and second term as mayor. He cannot run again this year because of term limits.

The previous two mayors, Carlos Mayans and Bob Knight, were Republicans.

Brewer also commented on the state of race relations in the city, lauding the recent decision to equip police with body cameras that will record their encounters with residents – a plan that black residents had sought for years.

But Brewer said the city still needs to make progress on race.

“Remember, we are public servants and we represent everyone,” he told future city leaders. “We don’t leave anyone behind.

“We know there are people who don’t enjoy the same opportunities as others. Just recently, the Kansas African-American Affairs Commission, appointed by Gov. Brownback, reported that race relations in our state have improved but, but we still have a long way to go. The report cited subtle bias. It mentioned hiring practices, the way students are treated and racial profiling.”

In a demonstration of the city’s lack of harmony on race, several protesters were escorted out of the chamber after standing up and interrupting the proceedings, just before Brewer began speaking.

They were motivated by the City Council action withdrawing its support for driving permits for illegal immigrants.

“Today, a white male majority voted to revoke the city’s support of the drivers permits,” some of the demonstrators read. “Today the city of Wichita violated the trust of communities of color, yet again.”

Brewer and the protesters are actually on the same side, in support of the driver permits.

The mayor shrugged off the interruption, saying after the speech, “this was their way of getting their message out.”

## Future of downtown, infrastructure

Brewer’s comments on elections and race relations were the only overtly political parts of his speech, which focused on thanking the City Council, staff and others he had worked with during his term.

He lauded progress made on the redevelopment of downtown, the signature issue of his time in office.

“When I became mayor, one of my top priorities was working with you to revitalize downtown and we got a lot done,” Brewer said. “We created a downtown master plan and reignited development in the core area. ... Today, there are dozens of new places to live, to work, to shop, and eat downtown.”

Brewer specifically mentioned apartments along the Arkansas River, the Downtown YMCA, the Lux, the Cargill Innovation Center and the Drury Plaza and Ambassador hotels as success stories for downtown development.

In addition, he hailed the recent decision by the council to move forward on building a new state-of-the-art central library downtown.

While celebrating the city’s successes, Brewer acknowledged that the city still faces challenges in fixing and maintaining its public-service infrastructure, particularly the water system.

“Our water and sewer pipes are crumbling,” Brewer said. “Last week a major leak nearly shut down our ability to deliver water to nearly half a million people. We also need to repair or replace most of the drainage systems. The total cost is estimated to be at least \$2.1 billion.”

He also said nearly half of the city’s streets are ranked below nationally accepted benchmarks and about 15 percent of Wichita’s bridges need to be repaired or replaced.

## Transit, Century II

And, he said, the city needs to fix its struggling transit system and consider building a replacement for the nearly 50-year-old Century II Convention Center.

He noted that it will be a challenge for future officials to pay for those kinds of improvements. Last year, Wichita voters rejected a sales tax increase that would have provided money for job creation, streets, water system improvement and transit.

But, he said, he thinks Wichita is up to the challenge.

“Our history shows us that we can overcome significant challenges when we come together and call on our unshakeable determination and our can-do spirit.”

Although it was Brewer’s final major city speech, he left the door open for some sort of involvement in the future.

“You haven’t seen the last of me yet, I’ll keep giving back,” he said.

That was a message that played well.

“I hope he will continue to find a way to continue in public service,” said Marge Zakoura-Vaughan, a longtime community activist.

She said the memory of Brewer that sticks in her mind was when the city was helping develop a grocery store in northeast Wichita. Brewer got developers to rearrange the plan to avoid forcing residents out of their longtime homes.

“He always keeps his mind on the impact (of city action) on individuals,” Zakoura-Vaughan said. “The not-so-powerful as well as the powerful.”

Read more here: <http://www.kansas.com/news/local/article8421573.html#storylink=cpy>

## Moran appointment further boosts Kansas' ag influence

01/29/2015 1:03 PM

A year after five of six members of the Kansas delegation [voted](#) against a farm bill, an Agweek [headline](#) this week observed: “Senate ag now controlled by Kansas.” That’s because the Senate Agriculture Committee chairman is now Sen. Pat Roberts, R-Kan., and also because Sen. Jerry Moran, R-Kan., is newly chairing the Senate Agriculture Appropriations Subcommittee. As Agweek noted: Moran’s appointment, announced last week, is a “major boost to the Midwest and the Plains states, which have lost representation on the House Agriculture Committee, as members from some of those states have chosen other committee assignments.” – **Rhonda Holman**

Read more here: <http://www.kansas.com/opinion/opn-columns-blogs/now-consider-this/article8570411.html#storylink=cpy>

[The Kansas City Star](#)

## New Kansas job figures reveal another failure for Sam Brownback's tax cuts

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

01/27/2015 9:42 AM

The final Kansas job figures are in for 2014, and Gov. Sam Brownback’s costly income tax cut “experiment” has laid another egg.

Total nonfarm employment climbed only 1,700 people in December, according to Tuesday's release of figures from the U.S. Bureau of Labor Statistics.

Overall, that means Kansas added a meager 12,800 jobs from December 2013 to December 2014, or barely more than 1,000 a month.

That's a puny growth rate of .9 percent, one of the lowest in the BLS data for 2014.

For comparison's sake, take a look at Kansas' Midwestern neighbors:

- Colorado's total employment was up 2.6 percent for the year.
- Oklahoma gained 2.2 percent.
- Missouri added 1.6 percent.
- Nebraska was up .8 percent.

The BLS figures showed that Brownback's much-trumpeted bid to boost private sector jobs also hasn't gone nearly as well as hoped.

The state added 12,800 private sector jobs from December 2013 to December 2014, the same total as nonfarm employment, because local and state government jobs were flat for the year.

The BLS also announced that Kansas' unemployment rate for December was 4.2 percent, below the national 5.6 percent mark. Brownback allies like to trumpet that fact.

However, other nearby states are even lower. Colorado and Oklahoma were both at 4.2 percent and adding jobs far faster than Kansas. Nebraska was at 2.9 percent.

So much for Brownback's promise from 2012 all the way through his re-election campaign last fall, when he said jobs would flock to Kansas after he and the Legislature approved income tax reductions that took effect in January of 2013.

Through November, the state's employment growth rate of 5.5 percent in private sector jobs [had trailed 33 other states](#) and Washington, D.C.

Even worse, Kansas' growth rate had fallen behind 37 other states and D.C. in the last two years after Brownback's income tax cuts took effect in January of 2013.

As it turns out, Brownback's recent promise of 100,000 new private sector jobs in his next four years [seems to be unrealistic](#). That's because the state would need to create 2,100 jobs a month while it's been averaging close to 1,300 a month for his first four years in office.

In addition, high-tax states have been generating employment at a faster clip than the Sunflower State for the last two years — exactly as long as the tax cuts have been in place.

Brownback has had a difficult time in recent days, ever since he proposed tax increases on cigarettes and alcohol, and conceded he wanted to basically halt the decline in income tax rates.

The state faces a huge deficit of \$280 million that has to be closed by June 30 — and an even larger one of around \$650 million in the coming fiscal year that begins July 1.

Anti-tax crusader [Grover Norquist recently criticized Brownback](#), saying, “A pack-a-day smoker would end up paying an extra \$547.50 in taxes a year. Kansans living along the Missouri border may opt to avoid the tax altogether by purchasing their tobacco products in Missouri — where the tax would be lower. If consumers flock to businesses across state lines, they may make other purchases while shopping for tobacco — hurting the bottom lines of Kansas retailers.”

Summed up: Brownback's getting hit from all sides these days, mostly because the income tax cuts he championed have not worked out as he promised.

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# Yikes, Sam Brownback: Kansas cash crunch crisis just got worse

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

01/30/2015 4:26 PM

The Kansas cash crunch crisis got even worse in January, [when the state fell \\$47 million short](#) of expected tax collections.

The news that came out Friday afternoon is going to make it even more difficult to balance the budget in a state rapidly running out of money.

Overall, Kansas through the first seven months of the year is \$59 million below what experts just last November predicted it would have by now.

That means the projected \$280 million in budget cuts put forth by Gov. Sam Brownback may have to be ratcheted up by tens of millions of dollars more in the next few months, unless collections pick up.

And that could mean more cuts to education or increased transfers from a rapidly dwindling transportation fund.

What's worse hit?

Income tax collections, of course.

That's because the Brownback-approved tax cuts that took effect in January 2013 are decimating income taxes. This year, through January, the state is already a staggering \$90 million below what it took in during the 2014 fiscal year. That's a 6.4 percent reduction.

And remember: The state ended that last fiscal year more than \$330 million in the hole.

Brownback has long promised that the tax cuts would be an economic stimulus to the state. However, as the latest figures indicate, they are draining the state of more revenue than expected while not providing any kind of positive bump in cash.

Perhaps facing reality finally, state Budget Director Shawn Sullivan this week conceded the state will have to handle cash flow problems in the next few weeks. Friday's news makes that prediction even more obvious.

Earlier this week, Kansans got some more bad news [when it was reported](#) that the state added a meager 12,800 jobs in all of 2014. The rate of growth was among the lowest in the nation.

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# How do you spell a more vibrant Kansas City region? J-O-B-S

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

01/21/2015 5:38 PM

Here are the upbeat claims about the Kansas City area's current job market: Johnson County is sizzling, the Northland is surging, downtown Kansas City is once again vibrant and Cerner is the Southland's savior.

Now focus on the sobering facts: Even with all the good things happening in this region, they are not occurring as robustly as they are for our biggest competitors.

Other metro areas are eating our lunch. Austin, Fort Worth, Nashville, Oklahoma City, Seattle, Charlotte, Omaha, Denver, Indianapolis, Tulsa, Raleigh, San Antonio,

Columbus, Portland, Louisville, Tulsa, Cincinnati, Minneapolis and even a few more areas have had stronger job growth in recent years.

The Kansas City region's stagnant situation is perhaps the biggest obstacle to making this a truly thriving community for decades to come.

- In mid-2012, former Kauffman Foundation CEO Carl Schramm pugnaciously claimed that Kansas City is “America’s least dynamic town — it won’t grow and it won’t shrink.” My research at the time showed he was right. Comparing the Kansas City region with 17 benchmark areas, it was in the bottom four metro areas of job growth over a 10-year period.

- Last summer delivered an alarming report titled “Prosperity at a crossroads,” from the Metropolitan Policy Program at Brookings and the Mid-America Regional Council. It [said the Kansas City area’s](#) rate of growth in jobs, wages and output had fallen behind the rest of the nation from basically 2000-2012. “Who has the guts to make big changes KC region needs?” [I asked in a column](#) at the time.

Not some in the Kansas City business community, it turned out. They claimed that the Kansas City Area Development Council and other groups were doing a bang-up job of getting people to this region. My research showed that [wasn’t true](#). The Kansas City metropolitan area was 21st lowest of 25 cities in its job growth rate from June 2011 to June 2014.

This not-so-merry trip down memory lane is to emphasize that, while the problem has been identified, it hasn’t received the kind of attention it deserves.

Until now, vow a growing number of business leaders.

Take KC Rising. It’s a nascent effort to strengthen the regional economy by finding ways for existing companies to thrive but also to lure new businesses to town. It’s supported by MARC, KCADC and the Civic Council of Greater Kansas City. Meetings are being held, benchmarks are going to be set. Eventually, KC Rising will need to be rolled out in some form that Kansas Citians can understand, and then hold the business community accountable for fulfilling the program’s goals.

Earlier this month, the Kansas City area was chosen to join the Global Cities Initiative's Exchange, which could help local companies build their export markets.

Other job-creating initiatives are still puttering along, such as the Greater Kansas City Chamber of Commerce's Big 5.

Big obstacles to progress exist. The border war over jobs has pumped tens of millions of taxpayer dollars into private companies, but not created much added employment on either side of the state line.

Just this week came [troubling reports](#) that major civic players, led by Polsinelli Chairman and CEO Russ Welsh, were upset that other law firms were moving to Kansas City from the West Coast, creating competition for talented employees.

Whoa. When moving 375 jobs to this region is actually considered a "problem" by some who should know better, no wonder corporate executives in other parts of the country look at slow-growth Kansas City and wonder what's wrong with us.

Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/yael-t-abouhalkah/article7892460.html#storylink=cpy>

## Kansas Gov. Sam Brownback seeks incentives to attract people to urban areas

BY BRAD COOPER

THE KANSAS CITY STAR

01/27/2015 7:22 PM

TOPEKA

Kansas Gov. Sam Brownback's prescription for reviving rural Kansas came in the form of tax breaks and paying off student loans.

Now, he's proposing a similar solution for urban areas such as impoverished pockets of Kansas City, Kan., or Wichita.

Demographers question whether financial incentives can overcome long-standing trends and a variety of factors that drive decisions on where people live. They say people are more inclined to move for a job, family, community amenities or even the weather than for financial incentives.

Meanwhile, census numbers show Kansas continuing to lose population at a faster rate than its neighbors.

Still, Brownback touts the promise of the program already in place for rural areas. Administration officials say reversing generations-old population trends will take time and that doing so starts with creating new incentives for people to stay in or come to troubled corners of Kansas.

The fledgling program waives state income taxes for five years for people who move from out of state into any of 77 counties designated as rural opportunity zones. It also promises to pay off up to \$15,000 in student loans to people — whether they're new to Kansas or not — who move to one of the struggling counties.

"People are coming to Kansas for opportunity and growth," Brownback said during his annual address to the Legislature this month.

Details of Brownback's urban incentives haven't been completed, but the plan is expected to include some of the same tax breaks and student loan reimbursements.

They'd be targeted for specific ZIP codes within Kansas City, Kan. During his re-election campaign, Brownback identified five ZIP codes in the city east of Interstate 635.

Kansas City, Kan., saw its population drop slightly between 2000 and 2010. It's been rebounding since, making up for the losses from the preceding decade.

An economic development executive said that offering incentives for fixing up a community would be just as powerful for drawing people as offering tax breaks to potential residents.

“We want to move it beyond the rural opportunity zone and make it a little more aggressive on the business side,” said Greg Kindle, president of the Wyandotte County Economic Development Council.

For instance, Kindle wants some financial incentives expanded to include small projects, such as one tax break that allows employers to keep most of their withholding taxes if they create at least 10 new jobs.

Brownback points to the rural program — started in 2012 — as evidence that incentives for repopulating the urban core will work.

About 240 filers are receiving tax credits costing the state \$560,000. About 1,000 people are receiving student loan reimbursements costing state and local governments \$1.2 million this fiscal year.

However, census data released at the end of last year reveal that Kansas is still bleeding population to other states. Since 2010, the year before Brownback was sworn in, about 15,300 more people moved out of Kansas than moved into the state. It had the sixth highest net migration loss in the country.

Population still grew by 1.8 percent in Kansas during Brownback’s first term, largely because the number of births outpaced the number of people leaving the state. In 2010, Kansas ranked 33rd in population. By 2014, it ranked 34th.

Rural opportunity zones weren’t “based on the scientific understanding of how migration works,” said Laszlo Kulcsar, a sociologist at Kansas State University.

The incentives, he said, don’t take into account why people move. Further, the governor’s plan for cutting income taxes devalues the very tax incentive used to entice people to Kansas, Kulcsar said.

Brownback administration officials argue that the rural program wasn’t intended to suddenly reverse years of population decline.

“While we are pleased with the initial results, the process isn’t going to reverse course in one year,” Revenue Secretary Nick Jordan said in a statement.

Although it may appear the number of people participating in the rural program is small, Commerce Secretary Pat George said even a few dozen new people in a rural county can be a reason to celebrate. “You’ve got to start somewhere,” he said.

Some demographers are skeptical about the basis for using financial incentives to attract new people to the state.

People have been migrating out of Kansas for 40 or 50 years, a trend partially hidden by birth rates that contribute to overall population growth. Trying to stop people from leaving the state is incredibly difficult, although demographers said the incentive might have a better chance of working in urban areas where there are more jobs.

“I would have some healthy reservations about how much any such program could dramatically redirect broad population redistribution trends,” said Michael White, a sociologist and demographer at Brown University.

The rural program benefited Kansas counties differently depending on how much money they kicked in for the student loan subsidies. Eight of the counties opted not to put any money into the program.

However, Phillips County in north central Kansas put in \$300,000, an expense shared by county government and private foundations. Fifty-five people moved to the county and took advantage of the loan subsidy.

Officials there believe the program has helped slow the population decline in a county where population dropped 6 percent from 2000 to 2010. The county’s population is down about 1.8 percent since 2010.

“It’s really about retaining who we have here as well bringing new people in,” said Nick Poels, executive director of Phillips County Economic Development.

Other county officials were not as optimistic.

Elk County southeast of Wichita has just six people participating in the loan subsidy program. Elk County’s population plunged about 12 percent during the last decade. In the last four years, the county’s population is down about 8 percent.

County Commissioner K.R. Liebau doesn't believe the financial incentives will halt the county's population slide.

"The only thing that could reverse the loss of our population," he said, "would be some kind of industry."

Kansas, experts said, needs to look at the cost of these incentives and whether they are worthwhile.

"How many people are actually coming in because of these programs, and do we know that those people would not have come otherwise?" asked Jon Rork, an economist at Reed College in Portland, Ore., who has studied migration patterns. "Is that the best way to spend that money?"

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Read more here: <http://www.kansascity.com/news/government-politics/article8424306.html#storylink=cpy>

## Gov. Sam Brownback's boast about Kansas job growth rings hollow

01/24/2015 8:00 AM

Gov. Sam Brownback recently said Kansas had created more than 59,000 new private sector jobs since he took office four years ago.

It's a completely accurate statement.

It's also highly misleading.

Using the most telling yardstick — the percentage rate of job growth — Kansas actually trailed more than two-thirds of the nation's states in adding private sector employment during Brownback's first term.

More notably, Kansas has created jobs at an even *slower* pace since the massive income tax cuts that Brownback champions as the savior to the state's economy took effect in January 2013.

The Star compiled the following figures from the most recent U.S. Bureau of Labor Statistics report. It's the same source Brownback used in making his jobs claim during his State of the State address this month.

- Kansas' private sector employment grew by 5.5 percent from January 2011 through November 2014.

That's far from impressive when stacked up against the rest of the country.

Kansas trailed 33 other states and Washington, D.C., all of which have added jobs at a healthier pace since 2011.

The six top gainers over that span were North Dakota, the leader at 28.5 percent, followed by Texas, Utah, California, Florida and Colorado.

Sixteen states did lag Kansas in private sector employment in that time, including neighboring Missouri and Nebraska, both up 5.3 percent.

The five worst rates were in Virginia, Pennsylvania, New Jersey, Mississippi and West Virginia; the latter two had bottom-feeding growth of 3.3 percent.

- After the tax cuts became law in January 2013, the number of Kansas' private sector jobs went up only 2.5 percent through November 2014.

That was below 37 other states (including Missouri) and Washington, D.C.

Put another way, Kansas has gained employment faster than only 12 other states since the tax cuts took effect.

- Overall, total nonfarm employment in Kansas — which includes government and private sector jobs — had risen just 4.1 percent since January 2011.

That again put Kansas behind 37 other states and Washington, D.C.

Kansas actually gained only 54,500 total jobs, or almost 5,000 below the private sector number, because state and local government employee rolls declined. That effectively meant 5,000 people were without jobs that allowed them to pay taxes, buy houses and shop in Kansas.

Brownback made another remark in his State of the State speech that bears review.

He said private sector employment had “actually dropped” in Kansas from 1999-2009, something he has called “the lost decade” in the state.

BLS figures do show that annual average employment in Kansas was a minuscule 6,800 lower in 2009 than in 1999.

However, 23 other states also had “lost decades,” according to the BLS. Basically, Kansas was in the middle of the employment pack during that period.

Now, four years into the Brownback era, it appears the state is in even worse shape. It’s in the bottom third of job growth among states, and it’s going the wrong way with disastrous tax cuts in place.

Read more here: <http://www.kansascity.com/opinion/editorials/article8030766.html#storylink=cpy>

## Year-end numbers show jobs rose and joblessness fell in Missouri and Kansas

BY DIANE STAFFORD

THE KANSAS CITY STAR

01/27/2015 10:38 AM

Missouri recorded a year-end unemployment rate of 5.4 percent in December 2014, down from 6 percent a year earlier. Meanwhile, unemployment in Kansas was 4.2 percent, down from 4.9 percent in December 2013.

The new estimates, posted Tuesday by the U.S. Bureau of Labor Statistics, put the two states among 46 states and the District of Columbia that had lower joblessness rates at the end of 2014 than at the end of 2013.

Nationally, the unemployment rate slipped 1.1 percentage points over the year to 5.6 percent in December. That indicates that Missouri and Kansas had lower unemployment rates than the national average, but their comparative improvements were smaller over the year.

The unemployment numbers come from a monthly household survey. The government's companion survey of employers, or "establishments," showed job growth in all 50 states over the year.

Preliminary data for December 2014 listed 2,793,300 employees on nonfarm payrolls in Missouri, an increase of 45,000 compared with December 2013. For Kansas, the report listed 1,395,500 employees on nonfarm payrolls in December, 12,800 more than a year earlier.

All figures were calculated on a seasonally adjusted basis, which takes into account usual fluctuations in the job market over a year.

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Read more here: <http://www.kansascity.com/news/business/article8232927.html#storylink=cpy>

# Missouri retailers relish the prospect of higher taxes on smokes and booze in Kansas

BY MIKE HENDRICKS

THE KANSAS CITY STAR

01/23/2015 6:23 PM

In Topeka, Kansas Gov. Sam Brownback's plan to help plug a \$648 million budget hole with steep increases in so-called sin taxes faces stiff opposition from powerful business interests.

Meanwhile, an hour's drive to the east, Brownback's proposal to boost taxes on booze and cigarettes is getting love from shopkeepers who sell those very products — in neighboring Missouri.

"My store will be busier, there's no doubt about it," Kansas City tobacco store owner Steve Barber predicts if Brownback succeeds in tripling the Kansas excise tax on cigarettes.

Barber already can sell smokes \$5 a carton cheaper at his Cigarettes4Less store, 1255 W. 103rd St., than his Kansas competitors.

Should the per-pack tax in Kansas increase from the current 79 cents to \$2.29, as Brownback proposes, business can only improve for Barber and others across the border, where Missouri has, at 17 cents a pack, the lowest taxes on cigarettes in the nation. Now his cartons will run \$20 cheaper.

Across the Watts Mill Shopping Center parking lot, Royal Liquors store manager Alan Hagedorn is similarly upbeat about Brownback's proposed 50 percent sales tax rate increase on liquor.

Currently, combined state and local sales taxes in Missouri nearly equal and sometimes exceed the current 8 percent liquor enforcement tax that Kansas charges. Even increasing the Kansas booze tax by half, cross-border prices ought to remain fairly competitive.

"But it would help, even if only in terms of the perception," Hagedorn said of the Brownback plan to boost the rate to 12 percent.

That Kansas retailers will lose business to their Missouri competition is one of the key arguments voiced by those who are against Brownback's tax hike plan.

Other opponents include outnumbered Democrats in the Legislature, who cite the regressive nature of sales and excise taxes on consumer products, as well as staunch fiscal conservatives against tax increases of any kind.

But it's the Kansas businesses and industries with the most to lose that are shouting the loudest.

"You're giving consumers lots of incentives to leave Kansas and do business in Missouri," said Ross Schimmels, vice president of external affairs at Standard Beverage Corp. in Lenexa.

Kansas is a big state. Many residents live too far away from the border to make regular trips to buy alcohol and tobacco in neighboring states.

But when 50 percent of all the liquor sold in Kansas is in stores within 50 miles of Missouri, there's bound to be an impact.

"That would price some of the liquor store owners close to the state line out of the game," says Natalie Bonanno, who owns New Stanley Station Liquors in Overland Park and is a member of the board of the Kansas Association of Beverage Retailers.

Missouri liquor store owners felt the reverse effect a decade ago. Sunday was the busiest day for some stores until Kansas removed its ban on Sunday sales.

Amy Campbell, the lobbyist for the Kansas beverage dealers, says the tax hike on alcohol alone isn't as worrisome as the growing disparity in a whole menu of taxes Kansas charges consumers when compared with its neighbors.

Among the four states with which it shares a border, only Oklahoma has a higher average combined state and local sales tax rate, according to The Tax Foundation in Washington, D.C.

Kansas is second only to Nebraska in its tax on gasoline.

Should the proposed tax hikes on alcohol and cigarettes become law, Kansas would jump to No.1 in both areas above Oklahoma and Colorado, respectively.

“Here’s the question,” said Campbell. “Where’s the tipping point?”

If the Brownback administration’s budget projections are to be believed, the state isn’t there yet.

The document estimates that boosting “consumption taxes” on alcohol and tobacco will net the state an additional \$108 million next fiscal year.

Then, analysts predict, habits will change. Smokers will cut back or quit. Drinkers will buy cheaper brands. And Brownback’s number crunchers suggest a \$4 million dropoff to \$104 million the second year, fiscal 2017.

Any tax increase will be a tough sell, even for a conservative Republican governor whose wing of the party controls both legislative chambers.

“We’re going to have to be dragged kicking and screaming to that,” Rep. John Rubin, a Shawnee Republican, told The Star earlier this month.

House and Senate leadership recognize the need to make up for steep income tax cuts that they and the Brownback administration pushed through a couple of years ago. Ultimately, they’re counting on the tax cuts to boost economic activity, which would increase state revenue.

Until then, some lawmakers would rather balance the books with budget cuts and avoid raising taxes.

“It might be a hard grab for them,” said Tom Palace, executive director of the Petroleum Marketers and Convenience Store Association of Kansas. His members will try to make it even harder, as cigarettes are the No. 1 seller inside most convenience stores.

“We’re going to have a heck of a fight,” Palace said.

Along State Line Road, Barber, Hagedorn and their peers will be on the sidelines watching that fight develop in the weeks ahead, while paying little to no attention at yet another presumably fruitless effort in Jefferson City to raise Missouri’s cigarette tax.

They won't be the only ones in Brownback's cheering section.

Proponents of healthy living are hoping the tax hikes go through, too.

The Kansas Health Foundation figures that a steep tax increase on cigarettes could convince as many as 25,000 smokers to kick the habit and dissuade at least that many youths from taking it up.

One thing's for sure. Even if the tax hikes are passed and Kansans are tempted to shop more in Missouri, state regulators don't plan on bringing back the infamous "border patrol."

Alcoholic Beverage Control agents used to stake out Missouri liquor store parking lots, especially around Christmas, looking for cars with Kansas plates.

Then they'd bust the drivers of those cars as they crossed the state line with even small amounts of booze and tobacco minus Kansas tax stamps.

No more.

"They haven't watched the border in a long time," said Jack Bondon, president of Missouri-based Berbiglia Wine & Spirits.

And aren't likely to in the future, given a tight state budget and ABC employees who have far more important things to do.

"There is no change in how we will be handling liquor enforcement," said Department of Revenue spokeswoman Jeannine Koranda.

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Read more here: <http://www.kansascity.com/news/government-politics/article8031366.html#storylink=cpy>

## Kansas House panel eases off plan to delay school aid funds

BY JOHN HANNAAP POLITICAL WRITER

01/29/2015 11:01 PM

TOPEKA, KAN.

Kansas would delay \$20 million in aid payments to its public schools for four months under a proposal approved by a state House committee Thursday, presented as an alternative to a more aggressive version in Republican Gov. Sam Brownback's plan for balancing the current budget.

The GOP-dominated House Appropriations Committee is working on a bill to eliminate a projected \$279 million deficit and expects to vote on it early next week. Brownback's budget-balancing plan closes the gap mostly by shifting dollars from highway projects and various special accounts into the state's main bank account, which finances general government programs and is where the shortfall occurs.

Kansas also faces an additional projected shortfall of \$436 million for the next fiscal year, beginning July 1. The shortfalls arose after lawmakers, at Brownback's urging, aggressively cut personal income taxes in 2012 and 2013 to stimulate the economy.

Brownback's budget director has said lawmakers need to approve a budget-balancing bill by Feb. 13 to ensure bills are paid on time. But the governor also proposed to ward off a cash crunch in mid-February by putting off \$45 million in payments to school districts until at least June 15.

The money helps school districts pay for building repairs, renovations and equipment, and is designed to supplement funds that poor districts raise from local property taxes. Lawmakers promised the aid to meet a state Supreme Court ruling last year in an education funding lawsuit.

When lawmakers set the current budget last session, they thought the aid would cost \$25 million, but it turned out to be \$45 million — \$20 million more than anticipated. The House committee agreed to delay paying that additional \$20 million, but will distribute \$25 million on time.

"I think it's a good compromise," said Shawn Sullivan, the governor's budget director.

Democrats worried delaying any of the aid — part of a larger, \$3.7 billion pot of public school funding — would hamstring some school districts if they have unexpected problems, such as roof damage in a storm.

And Mark Desetti, a lobbyist for the state's largest teachers' union, said lawmakers are avoiding "the fundamental issue."

"You need to deal with these tax cuts," he said.

The Senate Ways and Means Committee is working on its own budget-balancing bill, but it canceled its meeting Thursday. Chairman Ty Masterson, an Andover Republican, said he wants to see what emerges from the House committee.

Read more here: <http://www.kansascity.com/news/local/article8553377.html#storylink=cpy>

## Fast-tracking Kansas bill poses a new threat to schools and property owners

01/28/2015 6:19 PM

Ominous predictions that schools and local property owners would be forced to pay for the reckless tax cuts enacted by the Kansas Legislature and Gov. Sam Brownback are starting to play out.

The state Senate Ways and Means Committee is scheduled to hear testimony next week on a bill that [would recalculate](#) the money the state gives annually to most school districts to equalize disparities in wealth among local tax bases.

Nearly all of the state's school districts would receive less money than anticipated this year, and Johnson County districts would get hit with 28 percent of the overall \$39 million worth of cuts.

In future years, school districts could adjust to the recalculated formula called for in [Senate Bill 71](#) by raising their mill levies. But that would mean higher property taxes

in some jurisdictions, including some of the Johnson County districts that just won voter approval to raise more funds from local taxpayers.

Coming on the heels of Gov. Sam Brownback's suggestion that school districts — instead of the state — begin paying for increases in teacher pensions, this latest bill indicates a willingness to plug holes in the distressed Kansas budget by taking money from elementary and secondary education.

That destructive strategy seems destined to undermine one of Kansas' most valuable assets — its public schools — and cause more friction with the courts.

The bill does not list a sponsor, but it reportedly was initiated by Republican Sen. Ty Masterson of Andover, chairman of the Ways and Means Committee. It was introduced on Tuesday and is [scheduled](#) for a hearing and possible committee vote next week, the swiftness indicating that legislative leaders have given it a high priority.

The pot of money in question — supplemental general state aid — is one of the issues the Kansas Supreme Court dealt with in a ruling last spring. It is money the state allocates to subsidize districts with less property wealth than others. For several years, the Legislature had budgeted less than its own formula decrees.

Prompted by the court ruling, the Legislature agreed last session to give schools an additional \$130 million in equalization funds, which was supposed to make up for the formula shortfall. But as it turned out, the calculation was underestimated by about \$39 million. Senate Bill 71 aims to resolve the issue by rewriting the formula, meaning a permanent cut for most school districts.

Should the bill become law, districts in Johnson County would see a total of \$11 million cut from their budgets this year. Shawnee Mission would lose \$4.2 million, Blue Valley \$3.3 million and Olathe \$2.6 million. De Soto, Gardner Edgerton and Spring Hill would see smaller but still significant losses. The Kansas City, Kan., School District would have to make do with about \$1 million less.

Districts could get that money back next year by raising their mill levies. But property taxes in many areas of Kansas are already onerous.

Senate Bill 71 was introduced the same day that five Johnson County school districts learned that voters had resoundingly approved requests to increase local funding from 31 to 33 percent of their general funds.

The districts — Shawnee Mission, Olathe, Blue Valley, De Soto and Gardner Edgerton — had told voters that “based on current known factors” the increase in local option funding would not mean higher property taxes.

That claim was accurate. District administrators had no idea legislation was in the works to undermine them.

If passed, the Senate bill would wipe out most or all of the gains that the school districts will receive by continuing their local funding increases. It would force them to either make more cuts or break faith with voters by raising mill levies.

That’s not fair to students, school leaders or taxpayers. The sooner Senate Bill 71 gets derailed, the better.

Read more here: <http://www.kansascity.com/opinion/editorials/article8531321.html#storylink=cpy>

## Kansas GOP leaders see need for quick budget fix

THE ASSOCIATED PRESS

01/28/2015 12:06 PM

TOPEKA — Kansas needs to eliminate a projected \$279 million shortfall in its current budget by mid-February in order to pay its bills on time, Gov. Sam Brownback’s budget director and top Republican lawmakers said Wednesday.

Budget Director Shawn Sullivan said that lawmakers should approve a budget-balancing plan by Feb. 13 to head off any potential delays, most importantly next month’s \$174 million worth of scheduled aid payments to schools.

The state's cash situation will "get very tight" in mid-February if the current budget isn't balanced by then, Sullivan told a meeting of House Republicans.

Already, Brownback has temporarily cut state contributions to pensions for teachers and government workers and proposed other steps, including selected spending cuts and diverting highway funds to general government programs.

Some Republican lawmakers also believe the chambers should consider not covering unanticipated increases in costs for aid to poor public school districts. Brownback has estimated that aid will cost the state nearly \$64 million more than what lawmakers anticipated while setting the current budget last spring.

The House Appropriations Committee began hearings Wednesday on budget-balancing measures, and Chairman Ron Ryckman Jr. said he expects it to pass a bill by Monday, so that the full House can debate it next week.

"We are up against it," Ryckman, an Olathe Republican, said.

The state faces not only a projected shortfall in its current budget, but a \$436 million gap between anticipated revenues and current spending commitments for the fiscal year beginning July 1. The shortfalls arose after lawmakers, at Brownback's urging, aggressively cut personal income taxes in 2012 and 2013 to stimulate the economy.

In the past, Kansas has delayed monthly aid payments to public schools and other bills when budget problems have caused cash crunches. But Sullivan said if a budget-balancing plan passes quickly, "We'll be fine the rest of this fiscal year."

House Speaker Ray Merrick, a Stilwell Republican, added: "The quicker you get it done, the better off we'll be."

Brownback has blamed much of the shortfall on unanticipated education costs connected to the aid for poor public school districts after the Kansas Supreme Court mandated increases in a lawsuit filed in 2010 by parents and school districts. The governor is sticking by an earlier proposal to cover the extra costs, setting total school aid at \$3.7 billion under the current budget, then drop it to \$3.6 billion for the next

fiscal year. He's also proposing that lawmakers repeal the existing formula for distributing aid and write a new one.

Rep. Jerry Lunn, an Overland Park Republican and House Appropriations Committee member, said forgoing the additional funds in the current budget should be an option.

"When we put this thing together last year, we didn't realize that we were going to have that \$64 million hit," Lunn said.

But Rep. Jerry Henry, of Atchison, the Appropriations Committee's ranking Democrat, said it's problematic not to cover the unanticipated costs because lawmakers were responding to a court order.

Read more here: <http://www.kansascity.com/news/government-politics/article8453360.html#storylink=cpy>

## Brownback names federal judge's aide to Kansas appeals court

BY JOHN HANNAAP POLITICAL WRITER

01/29/2015 9:46 PM

TOPEKA, KAN.

A longtime legal adviser to a senior federal judge who also writes cowboy poetry was nominated Thursday for the Kansas Court of Appeals by Gov. Sam Brownback.

Brownback introduced Kathryn Gardner, of Topeka, as his choice for the state's second-highest court during a brief Statehouse news conference. Her appointment is subject to Kansas Senate confirmation, and she would replace former Judge Caleb Stegall, elevated last year by Brownback to the state Supreme Court.

The Republican governor cited Gardner's experiences as Senior U.S. District Judge Sam Crow's law clerk, as an assistant attorney general and as a lawyer in private practice, calling her thoughtful and intelligent.

But Brownback — who once designated an official Cowboy Poetry Week in Kansas — also pointed to Gardner's involvement with the art form. Brownback's office said Gardner has been a finalist in statewide cowboy poetry contests three times in the past four years.

"That sealed the deal for me," Brownback said, calling Gardner "a renaissance woman."

The Court of Appeals has 14 judges, and Gardner would be Brownback's fourth appointee. Nine judges were appointed by Democratic governors and one by GOP Gov. Mike Hayden in 1990.

Gardner has been Crow's law clerk since 2000 and was an attorney in private practice with a Wichita law firm for 12 years before that. She also was briefly an assistant attorney general in the office's civil law division and served as a state Court of Appeals research attorney for two years after obtaining her law degree from the University of Kansas in 1983.

Crow and his wife, Ruth, attended Brownback's news conference, and the judge issued a statement praising Gardner for "keen writing abilities" and a "solid work ethic."

Gardner said in working for Crow, "I have learned many invaluable lessons about the art of judging."

Like Stegall, Gardner applied for two openings on the state Court of Appeals in 2012 but was not a finalist for either spot. At the time, a statewide nominating commission led by attorneys screened applicants and named three finalists for the governor, who had to pick one, with no role for legislators.

The GOP-dominated Legislature changed the selection process for the court in 2013, so that the governor makes the appointment directly, subject to Senate confirmation.

Brownback's office had yet to respond late Thursday to an open-records request from The Associated Press for a copy of each application, letter or email from a person interested in Court of Appeals vacancy. Neither the governor nor Gardner took questions from reporters.

Read more here: <http://www.kansascity.com/news/article8553335.html#storylink=cpy>

# Johnson County's rocky marriage with Gov. Sam Brownback

BY YAEL T. ABOUHALKAH

THE KANSAS CITY STAR

01/28/2015 4:39 PM

Last November, Johnson Countians put their future in the hands of Kansas Gov. Sam Brownback.

Three months later, that's looking like a terrible idea.

Voters helped re-elect Brownback over Democratic challenger Paul Davis by a 49-48 percent margin in the county. Why?

Because the Republican governor and his supporters promised that large income tax cuts would bring a flood of jobs across the state line to Johnson County. Brownback bragged about the county's great school districts and said he would protect their funding. He also burnished his anti-tax credentials, saying Kansans "know how to spend their own money better than the government."

However, plummeting state revenues — largely caused by the excessive tax cuts — have produced a recent gusher of exasperating and sometimes alarming news. During the Brownback-created budget catastrophe in Topeka:

- Funding for the county's nationally acclaimed K-12 school districts is being threatened.

The Legislature next week is scheduled to [hold a hearing on a bill](#) that would slash \$11 million from the six Johnson County school districts in the current fiscal year. This move is partly driven by the fact that the state is almost out of money, unable to keep the pledges it once made to adequately finance its schools.

Looking ahead, education officials say schools statewide [will receive \\$127 million less](#) in operating funds in the next fiscal year.

- Jobs are not fleeing the Missouri side of the Kansas City metropolitan area.

Through December, the U.S. Bureau of Labor Statistics said total nonfarm employment had grown by 16,700 workers on the Missouri side of the state line in the two years since Brownback's tax cuts took effect in January 2013.

The Kansas-side increase was only 12,100 jobs.

Here's worse news for Brownback supporters, such as Missouri [multimillionaire Rex Sinquefeld](#), who have contended that even more people will leave Missouri the longer the tax cuts are in effect.

Actually, in 2014 the Show-Me State side of the border added 15,300 jobs. The Kansas side gained just 7,100.

- Far higher cigarette and liquor taxes are in the works.

Brownback this month proposed a near tripling of the cigarette tax to \$2.29 a pack, far higher than Missouri's 17-cent tax. His new budget also calls for a 50 percent increase in the liquor tax. Combined, these taxes [could drive customers](#) from Johnson County businesses to Missouri-side ones.

National anti-tax activist Grover Norquist, who just a year ago said Brownback could be a 2016 presidential candidate, recently [harshly criticized](#) the proposed tax hikes. He added that consumers going to Missouri also "may make other purchases while shopping for tobacco — hurting the bottom lines of Kansas retailers."

- Reductions in [road repair funds and public pension contributions](#) are on the horizon.

The governor's budget would take hundreds of millions of transportation dollars to deal with the general fund shortfall. That could adversely affect maintenance of Johnson County's highways.

Brownback also plans to slash contributions for at least a year to the state's pension fund. It covers thousands of local teachers and city and county employees.

In the old, more progressive days of Johnson County, buyers' remorse would be setting in by now. In today's more conservative Johnson County, however, too many residents seem willing to give Brownback a very big benefit of the doubt.

Unfortunately, that attitude is jeopardizing the county's future as a great place to live and work.

Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/yael-t-abouhalkah/article8524838.html#storylink=cpy>

# Lobbyists got a sneak peek at Gov. Sam Brownback's budget

BY BRYAN LOWRY

THE KANSAS CITY STAR

01/27/2015 4:59 PM

TOPEKA

Gov. Sam Brownback's budget director used a private email account to share a working version of the governor's proposed budget with two lobbyists three weeks before it was unveiled to lawmakers.

Budget director Shawn Sullivan sent a draft of the proposal from his Yahoo account two days before Christmas to the private emails of several top administration officials and to the governor's former chief of staff, David Kensinger, and his former campaign manager, Mark Dugan, both of whom are lobbyists.

The email was obtained this week from a source outside the governor's office.

In it, Sullivan lays out plans to increase taxes on cigarettes, take \$350 million from the highway fund over two and a half years and change the way the state funds schools in an effort to rein in costs.

Asked why two lobbyists had input into the budget process, Eileen Hawley, the governor's spokeswoman, said, "I think you're digging to find things that aren't there. ... We sought the counsel of a lot of people in that process."

Senate Minority Leader Anthony Hensley, a Topeka Democrat, said it was highly inappropriate for lobbyists to be given information on the budget before lawmakers.

"They're not part of the governor's staff," he said.

Kensinger, who left the governor's office in April 2012, works as a lobbyist for the Club for Growth, Kansas City Power & Light and other business and political entities. Democratic lawmakers and some moderates say he continues to wield influence in the administration.

Hensley referred to him as a "shadow chief of staff." Kensinger did not respond to a request for comment.

The governor said in October that he rarely speaks to Kensinger about policy, but Sullivan's email thanks the recipients for "helping us work through this budget process."

Last April, The Topeka Capital-Journal reported that Kensinger was the subject of a federal probe over influence peddling at the Capitol.

Dugan also has forged a career as a lobbyist since running the governor's re-election campaign. He would not answer questions Tuesday but emailed a statement later: "Governor Brownback seeks input from a wide variety of sources and I'm honored to be one of them."

Rep. Jim Ward, a Wichita Democrat, said the inclusion of lobbyists in budget talks shows the Brownback administration doesn't "seem to know the lines between government public action and private industry."

## Budget challenges

Sullivan's email gives some insight into the political challenges facing the administration in passing a fix for a \$648 million budget deficit for the fiscal year that begins in July.

While Kensinger and Dugan got to see the budget before the majority of lawmakers did, the email discusses talks with some top Republican lawmakers.

"The reaction to this from the House budget and tax leadership has been more positive than from the Senate budget leadership and Sen. Bruce," Sullivan writes in the email.

Senate Majority Leader Terry Bruce, a Hutchinson Republican, has been outspoken in his resistance to raising taxes, which is part of the governor's budget fix. Sullivan would not discuss whether the reference to Senate budget leadership referred to Sen. Ty Masterson, an Andover Republican who chairs the Ways and Means Committee.

Bruce laughed when shown the email.

"I've never shied away from the fact that I think it's an ugly budget," he said.

In the email, Sullivan uses the phrase "house of cards" when discussing proposed policy changes to the Kansas Public Employees Retirement System. Asked what he meant, he said he was referring to the public pension system's high cost as part of the larger budget.

"While there is plenty in here for people not to like, we have a proposal that attacks the cost drivers of K-12, KPERS and Medicaid," he says later in the email.

Sullivan's email was sent about two months after an open records request for this story was filed in October for email correspondence and phone communication between Kensinger and the governor's office since April 2012.

Hawley said the use of personal emails had no connection to the records request.

The governor's office gave an initial reply that it was processing the request, but it did not provide a cost estimate of \$1,235 until Jan. 13, the day after Brownback was sworn in for a second term.

## Open records 'loophole'

The governor was not included on Sullivan's budget email. Sullivan said that's because they spoke about the budget daily during November and December and Brownback did not need the same update.

Other recipients of the email include Hawley; Lt. Gov. Jeff Colyer; Landon Fulmer, who then was the governor's chief of staff; Jon Hummell, who replaced Fulmer; Kenny Wilk, chair of the Kansas Board of Regents; Tim Shallenburger, the governor's legislative liaison; Chuck Knapp, who was appointed Colyer's chief of staff in December; Kim Borchers, the governor's appointments secretary; and Kent Glasscock, president of Kansas State University's Institute for Commercialization.

With the exception of Glasscock, who received the email on his Kansas State email address, everyone received it on a nongovernment email address. Although it was government business, Borchers received it on her official Brownback campaign email address.

Sullivan said that he accidentally typed in Borchers' campaign address and that he only sent it to private email addresses because many staff members were at home for the holidays.

Emails sent to and from private email addresses on private computers are not public documents and not subject to the Kansas Open Records Act.

"It's definitely a loophole," said Mike Merriam, a retired Washburn University School of Law professor who serves as general counsel for the Kansas Press Association. "So government officials are able to communicate with each other even on official business as long as they do it at home, and that's plainly not the intent of the law in my opinion."

Sullivan said use of his personal email account was not intended as a way to skirt the open records act.

“Why it was done on personal email was because it was done while I was at home on Christmas,” he said.

Hensley said the private communication was an attempt to avoid public scrutiny.

“I would assume that this is par for the course, that this is a method they’ve utilized, I’d assume, for a number of months or years.”

Hawley and Sullivan would not say directly how often the governor’s staff used private emails for public business.

“There’s one email that was sent over a holiday to personal email accounts. I would not say that’s indicative of any trend,” Hawley said.

Personal email addresses are sometimes used to contact members of the government staff during off hours, she said, adding that if she’s at home her personal email goes straight to her phone.

Sen. Jacob LaTurner, a Pittsburg Republican, said he was concerned about the use of private emails.

“If the goal is to hide that from the public, then that’s not right,” said LaTurner, who plans to introduce a bill later this week that would prohibit government agencies from charging exorbitant fees for open records requests.

Ward said the problem with using private emails is that “no one can track decision-making.”

Twenty-six states consider emails by public officials about public business on private accounts to be subject to open records laws, according to the Reporters Committee for Freedom of the Press. Florida Gov. Rick Scott currently faces a lawsuit that alleges he tried to flout that state's open records laws through private e-mails.

For his part, Sullivan made light of the email, joking on social media that he would only communicate via Twitter in the future.

Read more here: <http://www.kansascity.com/news/government-politics/article8413221.html#storylink=cpy>

## Gov. Sam Brownback embarks on unpromising Kansas tour about jobs and tax cuts

01/25/2015 6:00 AM

Gov. Sam Brownback is getting ready to [go on a statewide tour](#) to tout his pledge that Kansas can create 100,000 new private-sector jobs during his next four years in office.

The governor also recently reiterated his promise to continue the state's "march to zero income taxes," which he claims will help the state add to its employment rolls.

However, the 100,000 goal appears overly ambitious, based upon The Star's review of job growth in Kansas and the rest of the country since Brownback took office in January 2011.

The figures also show that most states with the highest income tax rates in the nation have gained employment faster than Kansas has since steep income tax cuts went into effect in 2013.

Those reductions have drained the general fund of hundreds of millions of dollars. Brownback's recently released budget contains proposed cuts to funding for education, road repairs and public employee pensions.

Here's a closer look at the numbers:

- To reach 100,000 new private sector jobs over 48 months, Kansas would have to create almost 2,100 a month.

But Kansas has added only 59,400 of those jobs since Brownback took office — an increase of slightly fewer than 1,300 a month through last November.

Overall, state employment would have to surge almost 9 percent in the next four years. By contrast, Kansas' 5.5 percent private sector job growth rate in Brownback's first term trailed 33 other states and Washington, D.C.

The governor's pledge appears to become more unrealistic after taking this into account: The state's employment growth rate actually has *fallen* since the tax cuts went into place, with fewer than 1,250 private sector jobs added monthly in the last two years.

In that stretch, Kansas' growth rate lagged 37 other states (including Missouri) and Washington, D.C.

- Since signing the tax cuts in 2012, Brownback continually has claimed that Kansas needs to join states without income taxes — such as Texas, Florida and Nevada — to make the most progress on the jobs front.

Critics of this approach rightly point out that these states have other sources of income, such as oil revenues, as well as different mixes of fees and sales and property tax rates to fund their public services.

The Star's review showed that seven of the nine U.S. states without income taxes have had stronger private-sector job growth rates than Kansas since January 2011.

But The Star also looked at eight states with some of the highest income taxes in the nation: California, Hawaii, Iowa, Minnesota, New Jersey, New York, Oregon and Vermont.

Kansas is gaining jobs far more slowly than most of these states.

In fact, over the last two years — even with the Kansas income tax cuts in place — all the high-tax states except New Jersey have added jobs at a faster clip than the Sunflower State.

Even during a national boom in employment, Brownback's tax-cut plan is not creating nearly as many jobs as its boosters once hoped.

Meanwhile, revenue for crucial public services for Kansans has been slashed. The Legislature must act responsibly and repeal the tax cuts to put the state on more solid financial footing.

Read more here: <http://www.kansascity.com/opinion/editorials/article8030481.html#storylink=cpy>

## Gov. Sam Brownback's push to change Kansas Supreme Court seen as linked to school finance

BY BRYAN LOWRY

EAGLE TOPEKA BUREAU

01/24/2015 2:37 PM

Democratic lawmakers and education advocates say Gov. Sam Brownback's push to change the way the state's Supreme Court justices are selected is actually a veiled attack on public education.

Brownback rolled out two ambitious goals in his State of the State address earlier this month – change the state's school finance formula and change the way justices are selected.

Republican leaders contend that the current formula is broken and that the court's current selection process, which relies on a nominating commission to provide nominees to the governor, is undemocratic and leaves the court unaccountable to the people.

Brownback floated two options he said would be more democratic: move to the federal system in which the executive branch makes appointments that go before the Senate for

confirmation or move to direct elections of Supreme Court justices. These changes would require a constitutional amendment.

The current system relies on a nine-member commission to choose nominees, with four of those members appointed by the governor and the other five selected by a vote of the state's practice attorneys, from a pool of applicants.

Senate Vice President Jeff King, R-Independence, chairman of the Senate Judiciary Committee, called the current system the least democratic or accountable in the country.

"We are the only state where the process is controlled by the attorneys in the state. It's basically attorneys choosing which attorneys decided cases tried by attorneys. ... That is a non-democratic process. It's not accountable to the broader electorate," said King, who opposes the current system despite being an attorney himself.

But some lawmakers say that the goal is actually to make a more conservative court, one that would be less likely to rule against the state in school finance cases.

"Is there anybody who doesn't think it's connected?" said Rep. Jim Ward, D-Wichita, an attorney and member of the House Judiciary Committee. "It's absolutely connected. They cannot win the school finance lawsuit on its merits ... so you've got to fix the game."

Mark Desetti, legislative director for the KNEA, the state's largest teachers union, said either the two policy goals are linked or it's "an amazing coincidence."

"One is being done because of the other," Desetti said.

The governor's office issued a statement that did not respond to Ward and Desetti's claims, but made a general pronouncement that "with the Court involving itself in so many public policy issues, it is time the selection process be more democratic."

King disputed that the policy goals were intertwined, arguing that the debate over judicial selection predates the current school finance case of *Gannon v. Kansas*.

Still, many conservative lawmakers do point to school finance when discussing their dissatisfaction with the court, pointing to the Montoy case, the precursor to the current litigation.

In the 2005 decision in the Montoy case, the court usurped the Legislature's authority to appropriate funds, "and that is totally unconstitutional," said Rep. John Rubin, R-Shawnee.

Rubin, a former federal judge, said his first choice would be for the state to adopt the federal model, which he says has served the country well since its founding.

"And when we have a court comprised of members, a majority of whom could render a decision like they did in Montoy, it's time to revisit how we select our Supreme Court justices," Rubin said.

Rep. Mark Kahrs, R-Wichita, agreed the issues were related, saying many lawmakers believed the court had overstepped its bounds in previous school finance cases.

Brownback's sole appointee to the court, Justice Caleb Stegall, wrote a paper blasting the Montoy decision for the Kansas Policy Institute, similarly arguing that the court had usurped the Legislature's power.

A three judge panel ruled in December that the state was unconstitutionally underfunding schools. Complying with the panel's ruling could cost the state more than \$500 million a year on top of current funding levels.

Attorney General Derek Schmidt briefed members of the House Appropriations Committee on the case Friday, saying he planned to appeal and that the case would go before the Kansas Supreme Court in the near future. He said he hoped a final ruling would come down by 2016.

Brownback called to repeal the school finance formula and shift to block grants for the next two years as the Legislature works toward crafting a new formula.

John Robb, the Newton attorney who represents the school districts challenging the funding levels, assured that repealing the formula would not nullify the litigation.

“The court didn’t find that there was anything wrong with the formula. The court found that the amount of resources appropriated to the schools was insufficient,” Robb said. “And that amount is going to be insufficient whether it’s under the current formula, whether it’s under a block grant or they come up with a brand new formula if they don’t increase the resources.”

This is precisely why some lawmakers say Brownback wants to remake the courts.

Brownback’s proposed budget for next year cuts more than \$100 million from classroom aid. And even when spending increases in other areas of the budget are factored in the cut stands at \$22 million.

Rep. John Carmichael, D-Wichita, ranking Democrat on the Judiciary Committee, said there’s “been an attempt to blackmail our courts by essentially saying if you issue rulings that members of the Legislature don’t like...we’re going to come after you and essentially oust you from office.”

Carmichael argued that moving to direct elections would allow dark money groups to overwhelm the selection process.

In addition to Brownback’s push to change the selection process, several other Republican lawmakers have pushed policies that could change the makeup of the court.

Sen. Dennis Pyle, R-Hiawatha, has introduced a bill that would require judges to get two-thirds support in retention races to keep their spots on the bench.

If that policy had been in place this past fall, Justices Eric Rosen and Lee Johnson both would have been ousted from office.

The five other justices on the Supreme Court stand for retention in 2016.

Rep. Charles Macheers, R-Shawnee, has introduced legislation, which would lower the retirement age for justices to 65.

Chief Justice Lawton Nuss is 63. Johnson is 67 and would already be past that retirement age.

Read more here: <http://www.kansascity.com/news/government-politics/article8071974.html#storylink=cpy>

# Kansas lawmaker wants higher bar for winning judicial retention elections

BY BRAD COOPER

THE KANSAS CITY STAR

01/22/2015 7:39 PM

TOPEKA

If one Kansas senator had his way, Supreme Court Justices Lee Johnson and Eric Rosen would not have survived their retention elections last fall.

Sen. Dennis Pyle, a Hiwatha Republican, introduced a bill Thursday that calls for judges to get two-thirds support from voters to keep their seat on the bench. A detailed bill was not available Thursday night.

“I am trying to empower the voters of Kansas,” Pyle said. “If (judges) are doing their job, why wouldn’t they get two-thirds of the vote from the people of Kansas?”

Generally, judges standing for retention grab about 70 percent of the vote. However, this year there was a concerted campaign to remove Rosen and Johnson from the bench for overturning the death penalty of two brothers convicted of a quadruple murder in Wichita. They finished with 53 percent.

Pyle’s bill comes at a time when lawmakers are looking to revamp the way Supreme Court justices are picked. Gov. Sam Brownback wants control of Supreme Court appointments with consent of the state Senate.

*To reach Brad Cooper, call 816-234-7724 or send email to [bcooper@kstar.com](mailto:bcooper@kstar.com).*

Read more here: <http://www.kansascity.com/news/government-politics/article7969587.html#storylink=cpy>

# Few people really understand this muddled budget crisis in Kansas

BY STEVE ROSE

SPECIAL TO THE STAR

01/24/2015 8:00 AM

Someone needs to write a book, “Kansas for Dummies.”

What is occurring in the state is so confusing, very few understand what’s going on.

What everyone should know is the answer to this simple question: When Gov. Sam Brownback and the Kansas Legislature slashed income and business taxes at a magnitude unprecedented in state history, what exactly were they looking to accomplish, respectively? The answers are not the same across the board, and the differences are critical to understanding the various buttons being pushed right now.

The governor believed that, as he slashed rates, income and job growth would soar. So, therefore, he would not have to think about slashing expenses.

Meanwhile, many conservative legislators couldn’t care less about that premise. They have their agenda. Slash taxes, and they assumed it might raise less revenue, and if less revenue were raised, they will have to cut government spending to balance the budget. Starve the beast, at last!

Needless to say, Brownback’s wish did not materialize. In fact, things went way south. The deficit that has been created because of plummeting revenues, is nothing short of a calamity.

Brownback has dealt with this first by lots of gimmicks, but those were not enough. He has decided that Kansas has, at least in part, a revenue problem, and his fix is to raise taxes on tobacco and liquor, as well as to close some tax loopholes. That will raise revenue but not nearly enough.

Back in the Legislature, Speaker of the House Ray Merrick, a Johnson County Republican, reflects many views when he says he does not agree that we have a revenue problem. He has said the state has a spending problem. He wants to slash spending.

This is where things get very complicated, indeed.

You see, half the state's budget is K-12 education.

Brownback said during his campaign that he would not cut spending on public education. Now, he says, the spending on K-12 education is "unsustainable." He says schools cannot remain "untouched" in budget cuts.

Personally, I don't believe Brownback thought during the campaign that schools would have to be cut. Until the billion dollar-plus deficits were dropped on him, he thought he could have his cake and eat it, too. He was convinced the revenue would materialize.

No matter, we are where we are, which is not good.

Many conservative legislators, like Merrick, don't care about the impending deficit. They know, by law, the budget has to be balanced. To them, this is an opportunity, not a misfortune. Finally, they can shrink government — including school spending — and get what they have wanted all along.

In fact, they may not even agree to pass the modest tax increases Brownback proposed, even though they are allies of the same party. These would just get in the way of more spending cuts. Meanwhile, lurking over the governor and Legislature are the courts.

A recent preliminary finding by a three-judge panel declared funding of Kansas schools inadequate and unconstitutional. Those findings will go to the Kansas Supreme Court, but despite the bravado of some legislators, no one wants a constitutional crisis.

Perhaps there is a way to cut school spending and skirt the courts, as well as confuse Kansans. Brownback knows the people of Kansas would rise up if the per-pupil costs were cut any more than they already have been. Plus, the courts would go berserk.

So, he has come up with a clever way to do an end run, and, thus, muddle the issue. He would overhaul or even eliminate the complicated school finance formula that determines how much each school district receives.

Even we dummies know what this inevitably will mean. In the course of either rewriting or ejecting the formula, the bottom line will result in a considerable haircut — no, make that a scalping — to school spending.

You can be assured, whether anyone writes a simple version in book form, that bad things are coming, particularly to schools.

But they will be shrouded in all kinds of complexity and confusion...anything to avoid the plain, simple, ugly truth.

*To reach Steve Rose, longtime Johnson County columnist, send email to [srose@kc.rr.com](mailto:srose@kc.rr.com).*

Read more here: <http://www.kansascity.com/opinion/opn-columns-blogs/steve-rose/article8025033.html#storylink=cpy>

# Gov. Sam Brownback puts blame for Kansas budget deficits on GOP lawmakers

BY STEVE KRASKE

THE KANSAS CITY STAR

01/25/2015 2:00 PM

01/25/2015 8:00 PM

Interesting comments from Kansas Gov. Sam Brownback last week.

[In talking to a Topeka business audience](#), he appeared to suggest that lawmakers were to blame for handing him such a deep set of tax cuts a couple of years ago.

Those cuts, which Brownback signed into law, have resulted in the state facing hundreds of millions of dollars in budget deficits. The Legislature is working on the 2015-2016 budget now.

“What I got from the Legislature was a naked tax cut with none of the pay-fors,” he said. “I took it because it was the best we were going to get.”

You can't help but wonder how lawmakers will react to this. So far, Brownback and the GOP majorities appear to get along famously.

But comments like this could place pressure on those ties.

Read more here: <http://www.kansascity.com/news/local/news-columns-blogs/the-buzz/article8079267.html#storylink=cpy>

## Capitol Watch: An appetite for trouble in the Missouri and Kansas legislatures

01/30/2015 6:51 PM

This week in the Missouri and Kansas legislatures provided a lot to, well, chew on.

Um, yum?

The entree selection at the Jefferson City Country Club was delectable Tuesday night. But even saffron sea bass, honey miso chicken and filet au poivre are a little less savory when reporters and news cameras are documenting your every bite.

Four Republican Missouri House members learned this when they attended a so-called “public hearing” of the telecommunications committee. The public turned out to be five lobbyists from the telecom industry and a gaggle of reporters. The latter kept up a [running commentary](#) on Twitter, noting when dessert arrived and observing that one legislator had just ordered a third glass of wine.

Not to brag, but Capitol Watch [warned](#) that holding committee meetings outside the Capitol on the dime of the industries you're supposed to be regulating is a really bad

idea. On the morning after the steak-and-sea-bass dinner House Speaker John Diehl concluded the same thing. From now on, House committee meetings must be held inside the Capitol, where the best lawmakers can expect is free pizza or a taco spread.

In the Missouri Senate, meanwhile, a committee advanced a bill, sponsored by Senate Majority Leader Ron Richard, that would, among other things, ban out-of-state travel paid for by lobbyists and mandate a waiting period before a legislator who has left office could become a lobbyist.

Now *that's* a proactive approach.

## Just between us

Speaking of the public's business, Kansas Budget Director Shawn Sullivan used private, non-governmental email addresses — his own and those of recipients — to brief some people about a draft of Gov. Sam Brownback's proposed budget.

Among the recipients were David Kensinger, a campaign consultant and lobbyist who used to be Brownback's chief of staff, and Mark Dugan, Brownback's former campaign manager who is now a lobbyist.

Sullivan told a reporter he used his and other people's personal email because it was Christmas break. To which we say, if Kansas government workers can't access their business emails away from the office, the state needs some information technology assistance.

Kensinger, in particular, is a [controversial figure](#) in Kansas government. If Brownback's staffers are going to blur the lines between politics and government, they'd best keep it on the record.

## Long odds

Missouri Rep. Stacey Newman of Richmond Heights, a Democrat, and Kansas Rep. Barbara Bollier of Mission Hills, a Republican, are [sponsoring bills](#) to protect citizens who are threatened with domestic violence.

They have introduced legislation in their respective states to allow law enforcement personnel to seek a court order to remove guns from people who have been identified as violent abusers or mentally ill with violent tendencies.

The legislation is being pushed by a group that Bollier and Newman helped to get started, American State Legislators for Gun Violence Prevention.

It definitely merits a serious debate, but the sponsors know it faces long odds in the pro-gun legislatures.

## Short odds

Kansas lawmakers already are [holding hearings](#) on a bill that would make it even harder for local governments to regulate guns.

Already barred by the overbearing Legislature from enforcing local gun ordinances, cities and counties would be barred from passing zoning or taxing laws that affect gun owners.

Among those pushing for House Bill 2087 at a hearing was Kelly Arnold, chairman of the Kansas Republican Party and the owner of a home-based gun business in Wichita. “I would like to have the protection from being restricted by local ordinances,” he testified.

Wouldn't everybody?

## Good move

Despite an effort by a few Democrats, including Sen. Jason Holsman of Kansas City, to keep the issue alive, the Missouri legislature once again put the kibosh on a pay raise for themselves and other officials, including the governor.

Most lawmakers correctly saw the problem with giving themselves a raise of \$4,000 over two years when most state employees, who are among the lowest-paid in the nation, are again going without an increase.

Read more here: <http://www.kansascity.com/opinion/editorials/article8836790.html#storylink=cpy>

# Increasingly gun-friendly Kansas is on the hunt for makers of firearms

BY BRAD COOPER

THE KANSAS CITY STAR

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TOPEKA

Kansas lawmakers look poised to loosen the state's gun rules yet again.

After already broadening rules about locations where Kansans can go with a firearm in their belt or purse — and challenging local authorities wanting to ban guns in certain places — legislators now want to waive training requirements for the concealed-carry crowd.

It's but the latest in a mounting series of gains against gun control in the state.

Gov. Sam Brownback hopes that an increasingly firearm-friendly environment helps draw gun makers and jobs to the state.

During the last 18 months, the Brownback administration has been trying to lure gun makers to Kansas, urged on by conservative lawmakers who believe that easing gun restrictions could make the state more attractive to manufacturers under legislative assault elsewhere.

“We wouldn't be in the game if it weren't for our openness to guns and the Second Amendment,” said Pat George, Kansas commerce secretary.

But while gun makers say they're fleeing states that passed tougher firearms laws, they have yet to choose Kansas as a haven.

At stake is a piece of an industry that churns through billions of dollars each year and employs tens of thousands of manufacturing workers across the country.

In the last two years, the conservative-dominated Kansas Legislature has aggressively gone after regulations that many lawmakers believe step on their constituents' constitutional right to carry guns.

Lawmakers lifted restrictions on carrying concealed weapons into public buildings and empowered gun owners to tote firearms openly. And they passed a law, derided by critics as constitutionally questionable, shielding guns made in the state from federal regulation.

The gun issue is heating up in Topeka again this year with a new proposal to allow people to carry concealed weapons without a permit. A majority of senators already support the bill, enhancing its chances of approval from the full Legislature this year.

The Legislature's actions send a strong message to gun makers in other parts of the country, especially New England's manufacturing-rich "Gun Valley," that Kansas won't regulate manufacturers out of business.

"It establishes Kansas as a very gun-friendly state," said Kris Kobach, secretary of state and a gun enthusiast who owns a stake in a startup gun manufacturer in north Overland Park.

So far, Kansas hasn't landed any big-name manufacturers, which probably has as much or more to do with the companies' bottom line as it does with Second Amendment politics.

Meanwhile, Missouri lawmakers have eased up on gun restrictions, blocking cities from banning the open carry of firearms and lowering the age for getting a concealed-carry permit. One Missouri lawmaker has joined with a few small cities to recruit gun manufacturers.

Gun and ammunition manufacturing is a \$13 billion business in the United States, employing about 46,000 people. It reaped \$1.4 billion in profits last year, according to market research company IBISWorld.

Like other manufacturers, gun makers look for affordable places with a skilled and educated workforce. States that deal out incentives may also have an edge in the recruiting game.

“Some of the states were willing to pay quite a bit,” George said. “When it comes down to dollars, there are some states that just have a bigger bank account than us.”

Critics say the Brownback administration’s efforts to attract gun makers are a desperate attempt to create jobs and demonstrate that his income tax cuts promote growth when the state is facing a massive budget deficit.

“As a matter of principle, why would you want to be known as the gun capital of the country when your economy is in the tank?” asked Susan Blaney, a founder of the northeast Kansas chapter of the Brady Campaign to Prevent Gun Violence.

But the Brownback administration sees gun making as a new source of jobs that could strengthen the Kansas economy.

Across the country, gun manufacturers have grown restless as a handful of state legislatures enacted tougher firearms restrictions in the aftermath of mass shootings at an elementary school in Newtown, Conn., and a movie theater in Aurora, Colo. Consider these examples:

- Last summer, gun maker Beretta USA decided to move its manufacturing operations out of Maryland after lawmakers there passed a law banning 45 military-style assault weapons and gun magazines holding more than 10 rounds. The company broke ground on a new \$45 million plant in Gallatin, Tenn. It will employ 200 workers, a company official said. Meanwhile, the Maryland law is facing a challenge in federal court.
- Rifle manufacturer PTR Industries moved 20 jobs to South Carolina from Bristol, Conn., after the state expanded its ban on assault weapons, including the type used in the Sandy Hook Elementary School shootings in 2012. Connecticut also banned the sale and purchase of ammunition magazines holding more than 10 rounds. Connecticut “literally legislated the company out of business,” PTR spokesman Bob Grabowski said.

- Kahr Firearms Group last spring broke ground on a new headquarters and a research unit in northeastern Pennsylvania after deciding to move out of New York after that state banned high-capacity ammunition magazines and assault weapons. Eventually, Kahr will add manufacturing facilities at its new Pennsylvania site.

“The atmosphere in New York state was getting toxic,” said engineer Doug Williams. “It was obvious that trying to maintain a long-term relationship in New York state was not a good idea.”

Kansas and Missouri are among states across the country watching what’s unfolding in the Northeast, thinking they might be able to capitalize on the opportunity to attract jobs and investment.

The most high-profile move came in Texas. It was led by Rick Perry, a political ally and friend of Brownback who at that time was Texas governor.

In September 2013, Perry visited Beretta USA to meet with company officials.

“I’m a pro-Second Amendment guy,” Perry told reporters. “Texas is a pro-Second Amendment state.”

Perry’s efforts paid dividends. O.F. Mossberg & Sons, one of the largest manufacturers of pump-action shotguns, announced last year that it was expanding its Texas operations.

The company, headquartered in Connecticut, is adding 116,000 square feet to its Eagle Pass, Texas, facility. The \$3.4 million investment will mean 50 new Texas jobs. Ninety percent of the company’s operations will be based in Texas.

“Investing in Texas was an easy decision,” the company’s chief executive, Iver Mossberg, said in a statement. “It’s a state that is not only committed to economic growth but also honors and respects the Second Amendment.”

In Missouri, Rep. Caleb Rowden, a Columbia Republican, wrote letters to about a dozen gun manufacturers in 2013 trying to lure them to his state. The Boone County cities of

Hallsville and Centralia also have been trying to attract manufacturers from states that aren't "gun friendly."

Rowden said two new recruiting "opportunities" recently presented themselves.

"If we are diligent," Rowden said in an email, "we will eventually land one of these companies in the not-so-distant future."

Rowden said Missouri's advantage isn't that it's removing controls on guns, but rather that it's not imposing new ones on manufacturers.

"One of our selling points is just that we're not trying to choke the life out of their industry through legislation," he said.

Two years ago, Missouri considered giving gun and ammunition manufacturers tax credits for relocating or expanding in Missouri. The proposal died in the General Assembly.

The fact that gun companies are looking for more sympathetic political venues should not be surprising, said Mike Bazinet, spokesman for the National Shooting Sports Foundation, a trade group for the firearms and ammunition industries.

"While some states have acted to demonize gun makers and hurt their brand equity in the marketplace, many others see the economic value in the well-paying manufacturing jobs that our industry provides," Bazinet said.

Kansas business recruiters had been working off a list of more than 40 manufacturers in its recruiting efforts, officials said.

"We haven't scored a victory," George said, "but we're still actively pursuing."

Brownback said the competition for gun makers is intense. He estimates there are 25 states recruiting gun manufacturers.

"It's an area where a lot of people are recruiting," Brownback said. "It's been a hard one to get."

Many of the firearms manufacturers are moving south — to Tennessee, Alabama, South Carolina and North Carolina — where they get financial incentives and labor is cheaper, said Brian Ruttenbur, analyst with CRT Capital Group in Stamford, Conn, which tracks the gun industry.

“It’s a lot cheaper to manufacture in the South,” Ruttenbur said, “which is primarily where they are moving.”

Additionally, some Southern cities and states have been handing out millions in tax incentives to attract gun manufacturers.

Firearms manufacturer Remington received nearly \$70 million in financial incentives to open a plant in Huntsville, Ala., that would employ 2,000 over the next 10 years, according to published reports.

The incentives included \$38 million from the state to upgrade a former Chrysler plant and \$10.5 million from local governments to buy the plant.

While Remington’s chief executive told Alabama reporters that he was disappointed with new gun regulations in New York, where it has a plant, he said that was not driving the company’s decision to move south. He also reportedly said that the quality of the workforce and tax incentives were factors.

Beretta USA received an estimated \$4 million in local financial incentives plus free land to set up shop in Gallatin, Tenn., northeast of Nashville, according to published reports.

“Tennessee was one of the states we identified for a new facility based first and foremost for its tradition of respect for Second Amendment rights,” Beretta general counsel Jeff Reh said in an email.

“Financial incentives only played a role in choosing Tennessee as compared to other finalist states under consideration.”

Some Kansas lawmakers — even staunch supporters of gun rights — recognize that money trumps politics in the economic development game. They acknowledge that companies will go where states make it worthwhile.

“It’s going to be a business decision. It’s not going to be a philosophical decision,” said Sen. Forrest Knox, an Altoona Republican who has pushed for laws lifting restrictions on guns. “They’re in business to make money, and that’s the way they are going to make their decisions.”

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Read more here: <http://www.kansascity.com/news/government-politics/article8872976.html#storylink=cpy>

# Kansas lawmakers weigh reduced penalties for marijuana possession

THE ASSOCIATED PRESS

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TOPEKA – Penalties for marijuana possession could be softened in Kansas as legislators seek to lower prison populations and reduce costs.

State officials testified Wednesday in favor of a bill that would drop first- and second-time marijuana possession offenses below the felony level. The hearing before the House Corrections and Juvenile Justice Committee comes on the heels of discussions last week in a Senate committee on a bill that would legalize marijuana for medical use.

While a second marijuana conviction can currently land a person in jail for 10 to 42 months, the legislation would remove the risk of prison time for offenders with no prior convictions until their third offense, said Scott Schultz, executive director of the Kansas Sentencing Commission, which proposed the bill.

Republican Rep. Tom Moxley of Council Grove said after the hearing that it was time for the state to re-examine the way it punishes marijuana offenses.

“The issue of proportionality has been brought up by a number of legislators because we incarcerate an extraordinary number of people for pretty light crimes, nonviolent crimes, particularly in the drug arena,” Moxley said.

No opponents of the bill appeared to testify during the hearing, and committee members acknowledged that the state's budget woes made the cost-saving potential of the bill more attractive.

Schultz said it would result in about 46 fewer prisoners per year, saving the state about \$800,000 annually. Jennifer Roth, a public defender, testified that the move would save the state even more in the courtroom and probation administration expenses.

"We recognize a need for frugality in this state. We want bang for the buck, and right now we're just locking people up at great cost, and we need to think that through," Moxley said. "If ever there was a time, this is the time."

Kansas' prison population is growing and is expected to exceed capacity by the end of 2015. The Department of Corrections estimates that its prisons will be overcrowded by 7 percent by 2024.

Read more here: <http://www.kansascity.com/news/government-politics/article8555498.html#storylink=cpy>

## Kansas bill would ban use of gas chambers to euthanize animals

THE ASSOCIATED PRESS

01/27/2015 10:41 AM

TOPEKA – A Kansas House committee is considering a bill that would ban the use of gas chambers to euthanize animals.

The proposal would amend the Kansas Pet Animal Act to prohibit animal control officers and shelters from using carbon monoxide to euthanize animals. The alternative would be a lethal injection, which is considered less painful.

William Brown, animal health commissioner for the state Agriculture Department, says most gas chambers for animals in Kansas have already been shut down. He says his department is aware of only four in the state and none is being used.

[The Wichita Eagle](#) reports supporters of the bill want to ensure that no one ever uses the gas chambers again.

Read more here: <http://www.kansascity.com/news/government-politics/article8232978.html#storylink=cpy>