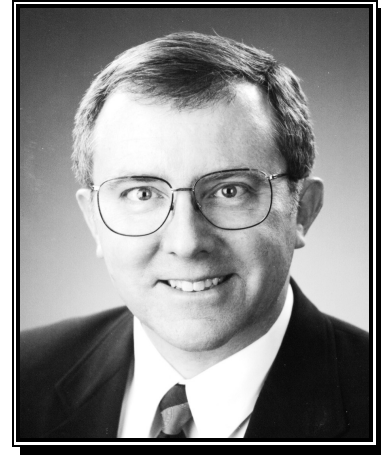


From The Desk Of...



~Week of February 14 - February 18, 2005~

- **Sheriff Matt Samuels Chemical Control Act**

The Senate passed 40-0 legislation that would make key ingredients of methamphetamine harder to obtain. The bill was amended to rename the Chemical Control Act of 1999, as the Sheriff Matt Samuels Chemical Control Act. Sheriff Matt Samuels, of Greenwood County, Kansas, was killed January 19, 2005, while serving an arrest warrant. The suspect was charged with capital murder and manufacturing methamphetamine.

- **Education**

The Senate Education Committee is continuing to conduct hearings on its plan to address the state's school finance problems. The three bills currently in committee deal with the proposed 2010 Commission, School District audits by Legislative Division of Post Audit, and the proposed three-year financing plan.

- **Gaming**

The Senate Federal and State Affairs Committee started conducting hearings on two bills that would expand gaming in the state of Kansas.

In addition, the committee is considering two bills that would restrict the Legislative Coordinating Council's (LCC) authority to approve gaming compacts when the legislature is not in session. One bill would only allow approval of the compact by the LCC if the committee determines an emergency exists that cannot wait until the next legislative session. The other bill allows a special session of the legislature to be called so that the legislature can either approve or disapprove the compact.

- **"Clunker" Bill**

On Wednesday, the Senate voted 40-0 on a motion to concur with the House's amended version of the "Clunker" bill. The bill, which would refund money to those who overpaid on sales tax, moves on to the governor. The final version of the bill requires the buyer to sign a statement verifying the true selling price of the vehicle. In addition, the seller would have to certify the true selling price of the vehicle when signing the title.

- **Kansas Academy of Math and Science**

The Senate Commerce Committee heard testimony on a bill that would create a residential high school in Kansas for students at the junior and senior levels. The residential early admission college program would enable students interested in pursuing careers in math and science to reach their full potential in these studies. Students of the program would graduate with an Associate of Science degree. This would position them to begin college at the junior year level. Students admitted to the academy would be admitted without charge for tuition, fees, and books. However, the student would be responsible for room and board. Currently fourteen residential high schools of this nature exist in the United States. Missouri and Oklahoma both have this education option.

Proponents of the bill believe the legislation would work well with last year's bioscience initiative. Proponents also believe the initiative would help students from school districts, which may lack instructional resources, experience an advanced math and science education. In addition, the initiative would help to prevent "brain drain" to other states.

- **A Smaller Legislature**

The Senate Federal and State Affairs Committee heard testimony on a bill that would reduce the size of the Senate from 40 members to 30 and the size of House from 125 members to 90. Though the hearing included visual aids, it was brief.

- **Ethanol**

The Senate Agriculture Committee heard testimony and took action on two bills. One bill would eliminate the provision in current law which requires retail pumps for motor-vehicles to be labeled to show the content and percent of alcohol in the fuel.

Proponents of the bill believe removing the label would increase the use of ethanol. They believe that some individuals are unnecessarily afraid of ethanol, believing it could damage their vehicles. Eleven states have already eliminated the mandatory labeling. Opponents of the bill believe people should know what they are putting into their vehicle. Removing the label requirement may prevent people from knowing what is in their fuel.

The second bill would require that any vehicle owned, rented or leased by the state use fuel blends containing at least 10% ethanol.

- **Kansas National Guard**

The Senate Federal and State Affairs Committee conducted a hearing on legislation that would provide \$250,000 worth of life insurance for Kansas National Guard members deployed in combat areas. Kansas Adjutant General, Major General Tod Bunting, testified before the committee. He suggested the committee amend the bill to provide for a death benefit of \$250,000 from the state general fund. Self insuring would prevent the state from paying an estimated \$400,000 in insurance premiums each year. In essence, the state would self insure the members of the Guard. Major General Bunting pointed out if the provision had been enacted 30 years earlier, it would have resulted in the disbursement of only \$500,000.

The Major General also requested the committee amend the bill so the effective date of the legislation be before November 8, 2004. This would enable the dependents of National Guardsmen, SFC Wisdom and SGT Clary, both of whom were killed in action, to benefit from the legislation.

- **Death Penalty**

Next week, the Senate will debate bills regarding the death penalty. Senate Bill 28 seeks to correct the law the Supreme Court found unconstitutional. Many opponents and proponents of the death penalty came out on the same side with regards to this bill. Some proponents of the death penalty oppose the idea of a fix on the death penalty until after the U.S. Supreme Court has had a chance to rule on the decision made by the Kansas Supreme Court this winter that found Kansas' death penalty unconstitutional. The Kansas Supreme Court ruled that the death penalty law forces juries to improperly weigh evidence for or against death. Under the law, a jury must hand down a sentence of death unless the mitigating factors outweigh the aggravating factors. In a sense, a tie requires death. Those who wish to fix the law quickly do not want to go a year without an operating death penalty.

Senate Bill 6 would abolish the death penalty. Those who oppose the death penalty do not believe the sentence is a deterrent to crime, is expensive, and / or is morally wrong.

In addition, the Senate will consider a resolution requesting the United States Supreme Court grant certiorari and reverse the Kansas Supreme Court's ruling in *State v. Marsh*, which is the decision that struck down the Kansas death penalty law.

- **STAR Bonds**

Monday, the Legislative Division of Post Audit released its performance audit report on STAR Bonds. The report detailed the way STAR bonds were used in the development of the Kansas Speedway and Village West development area in Wyandotte county. The report explained that "\$28 million in expenditures appeared to go beyond what legislators envisioned when they passed the law." Expenditures in question include money spent on wildlife exhibits and robotic dinosaurs. The law primarily addresses using STAR bonds to buy property and make infrastructure improvements.

The report explained the state's oversight of the Kansas Speedway and Village West development area as inadequate. The report listed several problems with the lack of state oversight, including: no limit on the amount of bonds that can be issued; an ambiguous definition of what the bonds can pay for; no role for the state in formal agreements; no requirement for an independent audit; and no specific consequences for misusing the bonds.

- **Senate Bill 93**

The Senate Utilities Committee approved legislation that would prevent the use of eminent domain for the placement of wind turbines. The bill, however, was amended to allow eminent domain for the placement of transmission lines. The committee further amended the bill to include a statement explaining the intention of the committee to include only wind turbines and not any other utility. SB 93 will be heard on the Senate floor sometime next week.

- **Senate Bill 120**

The Senate Utilities Committee held hearings this week on SB 120. SB 120 deals with deregulating telecommunications in areas where there is effective competition. The hearings will continue next week.

Toll Free Legislative Hotline

The State Library will continue its practice of operating the toll free hotline for Kansans to call their legislators and leave brief messages. The hotline number is 1-800-432-3924.

If you are receiving this newsletter and really would like to be taken off my list, just let me know. My legislative district includes: Barton, Dickinson, Ellsworth, Lincoln, Marion, McPherson and Rice counties. If you know of others who would like to receive this newsletter, have them contact me and I will add them to my list. I prefer to send by e-mail since the cost is essentially free, but I do have a limited legislative postage allowance, which is largely reserved for distributing this letter.

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