

A Report on the 2016 Kansas Legislative Session

by Representative Tom Sloan, 45th District

First question
to ask ourselves:
A spending or a
revenue problem?

This is an election year for all 165 Kansas legislators, and it may be the most important election in decades. Voters must decide what type of state government taxation, spending priorities, education system, investments for the future, social safety net, and other programs they desire. Then they must identify candidates who reflect those values. This is the same process in every election cycle, but what sets this election apart from others is the need for voters to ask much more penetrating questions.

Spending or Revenue Problem? The Governor says state government has a spending problem. Many others, including me, believe we have a revenue problem. If you believe that state government has a spending problem, ask the candidates to identify specific programs that should be eliminated or substantially reduced, and ask who will benefit and/or suffer if that action is taken. Do not accept a statement that government waste will be eliminated. After eight years of reducing budgets, waste is not an issue. If you believe state government has a revenue problem, ask the candidates what taxes or fees they support raising and what programs additional funds should support. Do not accept simple answers (for example, education). Ask what within education or transportation or



Tom visits the Bowersock hydroelectric generation plant to get a first-hand look at the river's flow. Tom is nationally-recognized for his leadership on renewable energy and water sustainability.

water supplies should receive the money, and how much is needed.

Question Candidates: Voters should not simply ask candidates if they “support public education.” Every candidate will say “yes” and the voter doesn’t have sufficient information to determine what a candidate actually

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believes and how that candidate will vote. More telling questions include: “Do you believe that state contributions to teacher retirement programs should be included in calculating state aid to the classrooms?” State contributions to the teacher retirement system historically were not included in school finance numbers. They are now. (I do not, and I voted against such deceptions.) “Do you believe that increasing state aid to higher education (technical colleges, community colleges, Regents’ institutions) is necessary to stimulate economic growth in Kansas by developing an educated workforce and commercializing medical and other inventions, and will you vote accordingly?” (I have consistently voted to adequately fund educational opportunities at all levels.) “Do you believe the Kansas Judicial System and individual Judges should be punished for ruling that state aid to K-12 education does not meet the requirements of the Kansas Constitution?” (I have consistently supported an independent judiciary and voted against attempts to punish the Courts financially. The U.S. and Kansas Constitutions both provide that the Executive, Legislative, and Judicial branches are to act as checks and balances on each other to protect the public’s interests.)

Similarly, voters should ask pointed questions of candidates about transferring money from the Dept. of Transportation and other state agencies to balance the state budget. “Would you vote to end such transfers?” is an appropriate question. (I have consistently opposed balancing the budget by “stealing” from KDOT and other agencies because taxpayers paid for the services now not being delivered.) If the candidate does not support halting transfers, ask “What Transportation programs should be eliminated?” and “Is it fair to require regulatory agencies (for example, the Board of Cosmetology, Board of Barbers) to increase inspection fees because of legislative required fee sweeps to support the state’s budget?”

Voters should ask what tax policies candidates support. Asking candidates “will you vote to restore taxes on the 340,000 businesses that no longer pay taxes on pass through income and more equitably tax higher incomes than Middle Class incomes?” are appropriate questions because they address specific tax policy options. (I do.)

These are examples of specific questions that will provide voters the

information necessary to decide which candidates actually have perspectives of what our state should and can be. Do not let candidates talk in generalities or use misleading statistics about the health of the Kansas economy and lack of negative impact on state highways and educational opportunities because of spending reductions. And ask candidates what they will support to protect our state’s drinking water supplies, to expand renewable energy generation, to increase access to high-speed Internet services, and to improve economic opportunities for Kansans. If there are other issues particularly important to you, be sure to ask the candidates for specific and definitive answers to your questions.

It is not enough to ask Lawrence and Douglas County candidates these



Tom, of course, buys local. When he needs a break from his technical and legal reading, he visits The Raven in downtown Lawrence to “escape” through good books.

questions, though you should definitely ask us. Whether you wish to continue the existing taxing and spending policies or change them, you should encourage family members and friends across the state to ask pointed questions of candidates in the area.

It takes 63 House members and 21 Senators to pass any piece of legislation. It takes 84 House members and 27 Senators to override a Governor’s veto. In both cases, our local candidates cannot maintain or change policies by him or herself, though he or she can provide leadership.

Tom

Tom: ‘...treasure the land, and appreciate life’

It's campaign season. What are you doing? I walk door-to-door almost every day that the weather permits. I introduce myself, provide a card detailing some of the issues I believe are important and my position on them, and ask if there is a state issue the resident would like to discuss. I believe that it is important that voters meet and have an opportunity to talk with someone asking for their vote.

I also am asked questions, some of the questions and answers below might be of interest to you.

Q & A

Q. Are you a native Kansan? No, I was born and raised in New York state on a farm with dairy cows and sheep. That is where I learned to work hard, treasure the land, and appreciate farm life.

Q. Is it true that you have a sheep farm? Yes, we raise registered Columbia sheep and sell

4-H and breeding stock to farmers in six states. We also raise hay, corn, and soybeans on our farm.

Q. Did your children attend public schools? Yes. Gail and I have been married for 36 years and have three children. All were educated in public schools. My voting record shows support for public education, including pre-kindergarten and higher education.

Q. What groups have endorsed your candidacy? Many groups support my re-election. They include the teachers (KNEA), farmers and ranchers (both Farm Bureau and KS Livestock Assoc.), the Independent Telephone Coalition (KRITC), Kansas Hospital Assoc., Nurse Anesthetists, KS Ethanol industry, and more.

Q. Are you supported by the Americans for Prosperity or Koch Brothers? No.

Q. You bring federal agency heads to Kansas, why? I believe that more can be done through cooperation and the pooling of state and federal resources than can be done alone. Just as Republicans and Democrats, urban and rural, moderate and conservative Kansans should identify shared goals and develop the compromises necessary to collaboratively work toward them, so too should federal and state agencies.

Q. Is it true that you sit on federal agency advisory committees? I serve on committees advising the Department of Energy and Federal Communications Commission, and I was recently appointed to one advising the Environmental Protection Agency. In addition, I work closely with the Federal Energy Regulatory Commission and the Department of Defense and Veterans Administration. These relationships benefit Kansas because federal agency heads hear from Kansans through the many meetings that I initiate, and not just people from the more populous states.

Q. What are some of the more interesting experiences you have had on the campaign trail? I have gone door-to-door campaigning in each of my 12 elections and met many wonderful people. People who know my voting record, people who offer me drinks of water on hot days, people who ask

me about the direction our state is heading and what I propose to do. I have been at the door of some voters at least 12 times and we know each other. I have also met people who would not vote for me because of my political affiliation. My campaign literature does not list my affiliation because I want voters to look at my record and decide if I warrant their vote. I also have had doors slammed in my face because of politics at the national and state level. Those situations were few, but memorable.

Q. With what community organizations have you been involved? I have served as a board member for Habitat for Humanity and Rural Water District #1, been a 4-H leader and supporter of Cans for the Community, Lawrence Police Foundation, and many other organizations.

Q. What is your background? I have degrees from Syracuse, Michigan State, and the University of North Carolina. I taught Political Science at Kansas State and have worked for the Kansas State Nurses Association, Kansas Senate President, Kansas Power & Light Company, Getty Oil Company, the Dept. of Corrections, and as a strategic planning consultant through Sloan & Associates. My broad range of experiences helps me understand technical issues at the Legislature and the needs and hopes of Kansans.

Q. What are you most proud of during your legislative service? There are many accomplishments:

- Health Care – holding four weeks of hearings on Medicaid expansion and authoring a comprehensive expansion bill that the Speaker of the House buried in another committee;
- Environmental Protection – passing legislation to fund state-local community projects to protect drinking water supplies and bringing the Assistant Secretary of the Army (Civil Works) to Kansas on several occasions to develop collaborative policies and projects to protect the large drinking water supply lakes,
- Renewable Energy – bringing federal agency heads to Kansas for meetings with KS and regional utilities, regulatory officials, consumer advocates, and others that resulted in high voltage transmission lines being built to move wind energy to consumers in Kansas and other states;
- Telecommunications – bringing federal agency heads to Kansas resulting in federal grants to distance education providers, a Federal Communications Commission-KU Workshop being developed, and a Veterans Administration-KS hospital partnership to deliver health care services to veterans.

Q. Why do you want to be re-elected? I want to continue advocating for educational funding for pre-K, K-12, and higher education. It is a cliché, but still true, that our future resides in our children and grandchildren being well educated and innovative. I want to continue working to secure reliable funding to protect our drinking water supplies. And, I want to continue developing collaborative programs between federal and state agencies that benefit Kansans today and tomorrow.



Tom: "It is a cliché, but still true, that our future resides in our children and grandchildren being well-educated and innovative."

Major legislation passed in the 2016 session

Following are summaries of the more important and interesting bills passed by the 2016 Kansas Legislature and signed into law by the Governor. Many include my perspectives about the politics or importance of the bills.

This is my 22nd annual Legislative Report and on my activities on your behalf. If you find these summaries and explanations useful, please share them with family members, friends, and neighbors. If you have questions about any of the bills or my legislative-related activities, please contact me for further information. Thank you for your interest in state government.

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STATE BUDGET

Budget Balanced Through Allocation Process, Inter-Agency Transfers, and Payment Deferrals

• *Appropriations for fiscal years 2016, 2017, and 2018 (House Sub. for SB 161):*

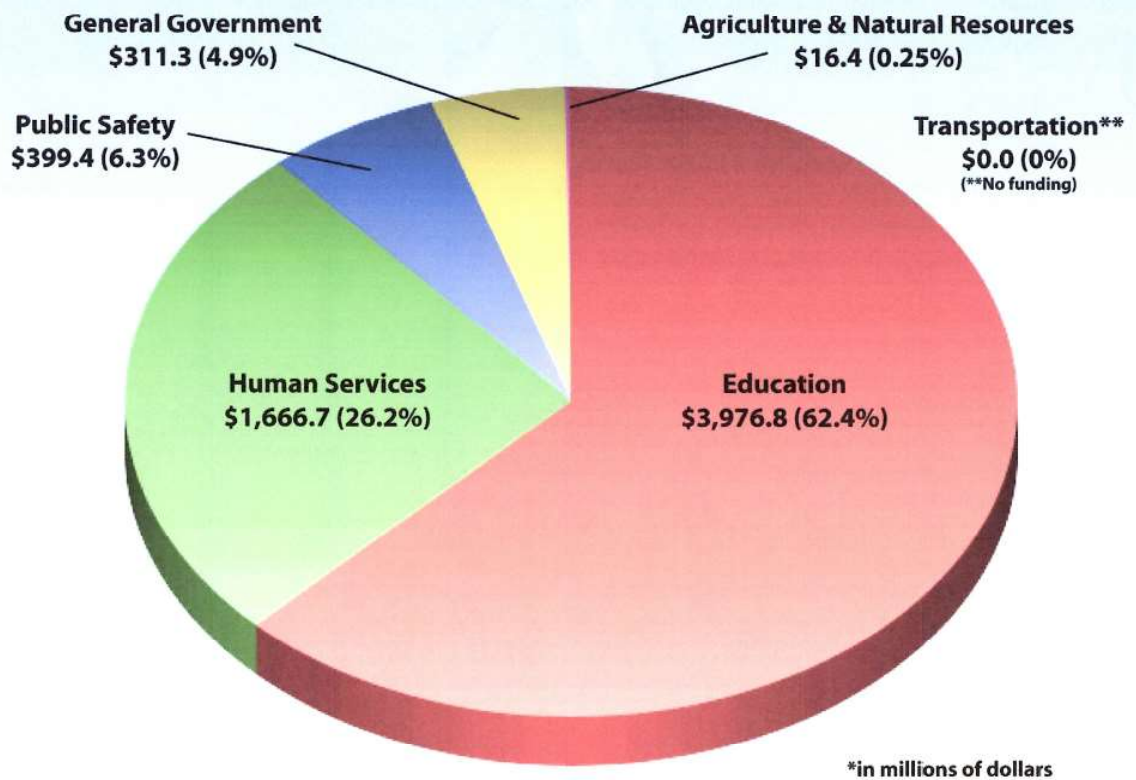
Based on projected revenue shortfalls in fiscal year 2016 (current year ending June 30th), the bill authorizes the Governor to have enhanced allotment authority (ability to unilaterally reduce amounts of money allocated to state agencies and programs) if the State General Fund balance is projected to fall below \$100 million.

It also authorizes the reduction or delay in state employer contributions to the KPERS (state and teacher employee retirement system) in FY 2016 and requiring repayment by September 30, 2016, with 8.0 percent interest. The repayment period was subsequently extended to FY 2018.

It further allocates a FY 2016 budget totaling \$15.6 billion, including \$6.3 billion from the State General Fund (SGF). This appropriation is \$3.2 million above the Governor's recommendation by including a \$2 million SGF addition to the Osawatimie State Hospital and \$1.0 million increase to Larned State Hospital.

Political Reality: The Legislature, by a majority vote, abdicated its responsibility to pass a balanced state budget by authorizing the Governor to unilaterally make reductions in state agency and program budgets. The \$100 million projected ending balance is a sham as the state has not seen revenues high enough to have such an amount of money left in the bank at the end of a fiscal year in more than six years. The increased spending authorized for

FY 2017 Approved State General Fund Budget by Function of Government*



Note: Total percentage slightly above 100% because of rounding.

the two state mental health hospitals reflects the loss of federal accreditation at Osawatimie and the serious understaffing at both institutions. The budget also reflects that the reallocation of funds from the Kansas Department of Transportation and sweeping of monies from fee funded agencies were not sufficient to balance the budget.

FY 2017 begins July 1, 2016, with an approved budget of \$16.1 billion, including \$6.3 billion from the State General Fund. The budget eliminates from the FY 2017 budget \$39.5 million of state contributions to the KPERS death and disability fund and adds \$2.5 million to fund a 2.5 percent salary increase for corrections officers.

The bill contains the same language as in the FY 2016 appropriations bill that permits the Governor to make additional budget reductions if the projected fiscal year's ending balance is below \$100 million. Both FY 2016 and 2017 bills include language prohibiting the privatization of Osawatimie and Larned State Hospitals without specific authorization by the Legislature.

FY 2017 Approved State General Fund Budget by Function of Govern-

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Major legislation passed in the 2016 session

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ment is represented on Page 4.

Political Reality: The FY 2017 budget reflects that state revenues will not meet expectations, hence the authorization for the Governor to make further reductions in agency and program budgets. It also reflects the loss of federal Medicaid reimbursement money at Osawatomie State Hospital and the threat to federal funding at Larned State Hospital because of understaffing and inadequate maintenance of facilities. The \$0 in the Transportation budget reflects that all State General Fund money has been removed from that budget, thereby resulting in the Department relying only on motor fuel taxes, with the continued reduction in highway construction and maintenance programs.

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EDUCATION FUNDING:

Rearranging deck chairs on the Titanic

• *K-12 School Finance (Senate Sub. for HB 2655):* Alters formulas for

providing certain types of state assistance to school districts for FY 2017 in response to a Kansas Supreme Court decision. The bill appropriates \$267,582,721 for Supplemental General State Aid; \$50,780,296 for Capital Outlay State Aid; and \$61,792,947 for School District Equalization State Aid; and \$15,167,962 for the Extraordinary Need Fund.

Supplemental General State Aid are funds that supplement those raised locally by school districts for classroom and operational expenses. Capital Outlay funds are provided by the State to school districts that constructed and opened new facilities. Equalization Aid was subject to a Kansas Supreme Court decision discussed elsewhere in this report. The money supports the less affluent school districts so that all Kansas

students have an equal opportunity to learn. The Extraordinary Need Fund reflects the Legislature's changing of the School Finance Formula during the 2015 Session from one based on per pupil assistance to a block grant formula. Those districts proving extraordinary need because of increased student enrollment or other reason can apply for supplemental funding.

The State Board of Education is authorized to review and decide upon school district applications for funds from the Extraordinary Need Fund, instead of the State Finance Council (Governor and legislative leaders).

Political Reality: The Supreme Court ruled that the education block grant program passed by the Legislature and signed by the Governor in 2015 did not adequately fund Capital Outlay requirements. This measure shifts money between categories in an effort to meet the Court's decision, but it does not add additional funds to the school finance appropriation. Shifting the re-

sponsibility to administer the Extraordinary Need Fund to the State Board of Education is a move to reduce responsibility of the Governor and legislative leaders. Hopefully, it will result in distressed school districts receiving more State aid for an inadequately funded school finance formula. The Supreme Court will hear the adequacy of funding K-12 education and whether the 2015 block grant process meets the Constitutional adequacy of state aid requirement in September.

LEGISLATIVE SPECIAL SESSION:

The Kansas Supreme Court ruled that the State's school district equalization funding was inadequate. While many legislators objected to the "activist court" threatening to close schools over 1% of total state aid to education if the Legislature and Governor did not address the issue, as usual the matter was not so simple.

School districts in most of Johnson County, Lawrence, some parts of Wichita, and other relatively wealthy areas can raise large amounts of money

with very small mill levy increases. Other districts like McLouth, Rooks County, and other areas with lower property values, smaller populations, and less wealth must have very large mill levies to raise even a part of what we can in Lawrence. The Judges determined that the State must provide sufficient state aid to equalize the effect of the wealth differences between school districts so that every child has an opportunity to receive a Constitutionally required "suitable" education.

The Chairman of the Appropriations Committee and Speaker of the House proposed taking the \$38 million from the classroom budget and shifting it to the equalization budget. That was unacceptable to me and many other legislators. Taking money from classroom teachers and programs does not improve educational opportunities.

The Traditional or Moderate Republicans instead proposed a formula that shifted money from other programs, including virtual schools, transitional aid for needy families, and the state highway fund, to fund equalization.

Political Reality: As part of the coalition proposing the alternative funding, I was unhappy with the need to damage other valuable programs, but in the absence of new revenues, this was the best alternative to reducing classroom funding. The Kansas Supreme Court will hear arguments in late September about the adequacy of state aid to schools. If the Court rules in favor of the plaintiff school districts, taxes will need to be raised to Constitutionally fund education opportunities. Remember, this money is only for K-12 programs, it does not address pre-kindergarten or higher education program needs.



K-12 School Finance Bill:

Supplemental General State Aid	\$267.6 million
Capital Outlay State Aid	\$50.8 million
School District Equalization State Aid . . .	\$61.8 million
Extraordinary Need Fund	\$15.2 million

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Major legislation passed in the 2016 session

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Whether the Supreme Court rules in favor of the plaintiff school districts or in favor of the State, the Legislature must develop a new school district funding formula in 2017. This is an issue that all Kansans should closely watch and provide equity and adequacy suggestions to legislators.

Further Budget Manipulations for Short-Term Gain

• *Fees for Economic Development Programs (Senate Sub. for HB 2509)* authorizes the Secretary of Commerce to assess and collect application fees for certain State job training programs and Sales Tax and Revenue (STAR) bonds issued.

Political Reality: The Department estimates that they will collect more than \$1 million per year in such fees. The efficiency consultants hired by the State estimated more than \$3 million would be collected. HB 2509 was introduced by the Vision 2020 Committee under my leadership and focused on improving IT or information technology security within State agencies. The Kansas Senate stripped out all of that language and inserted the Department of Commerce revenue language. An IT security breach will cost the state much more than the \$1 million-\$3 million earned by the Department. This is another example of short-term thinking and actions to balance the budget, while ignoring the risk of much higher costs and consequences occurring.

• *Authorize the Sale of the Kansas Bioscience Authority (HB 2632):* Authorizes the State Finance Council (Governor and legislative leaders) to sell the Kansas Bioscience Authority and its assets. The Bioscience Authority was created by the State to invest in start-up and growing companies and stimulate the growth of the Kansas economy. Its activities are tied to research developments in the bioscience fields at our state universities. The Governor has stated that he hopes to gain \$35 million from the sale of the Authority's assets (investment portfolio).

Political Reality: This is an example of selling assets to gain one-time money to balance the state budget. The Bioscience Authority was the one program that attracted national attention for our commitment to investing in innovative research with commercial applications.

• *Vehicle Registration Fee Surcharges (HB 2696):* Two nonrefundable surcharges are added to each vehicle registration fee: a \$2 Kansas Highway Patrol staffing and training surcharge and a \$1.25 Law Enforcement Training Center surcharge.

Political Reality: Both surcharges reflect the lack of State General Funds necessary to fund the public safety programs.

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BUDGET REVISIONS FOR FY 2016, FY 2017, and FY 2018

Legislature abdicates budget responsibility by passing the buck

• *House Sub. for SB 249):* Exempts from the Governor's special allotment authority (authority to reduce state budgets if necessary to ensure expenditures do not exceed revenues) all funds associated with educating students in K-12; and removes restrictions on tuition increases for Regents Institutions. Adds language directing that any State General Fund revenues in excess of the April 2017 Consensus Revenue Estimate be deposited in the Kansas Public Employee Retirement Trust Fund and any amount in the Tobacco Settlement Funds in excess of expenditures by the Kansas Endowment for Youth Fund be deposited in the Kansas Public Employee Trust Fund.

Political Reality: Continues the Legislature's abdication of responsibility to pass a balanced budget and seeks to provide political cover for Legislators by exempting K-12 funds from reductions by the Governor. As K-12 expenditures are approximately 50% of the state's expenditures, the impact on other state programs is exponentially increased. The Governor made \$97 million in allotments, with KU taking more than a \$10.7 million reduction from previously approved funding levels, the total higher education reduction was \$30.7 million, and Medicaid reimbursements to healthcare providers were significantly reduced.

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INCOME AND EXCISE TAXATION

• *Angel Investors (House Sub. for SB 149):* Extends the Angel Investor tax credit program through which qualified investors may transfer state income tax credits of 50% to 2022. A new individual income tax checkoff program is authorized in which taxpayers may donate their income tax refunds to their local school district. The bill also formalizes a Dept. of Revenue practice of placing a line on the income tax filing form for persons to report purchases from out-of-state and Internet companies and pay the appropriate excise taxes.

Political Reality: The Angel Investor tax credit program is a valuable economic development tool for start-up and expanding companies. The donation of tax refunds to local school districts is cosmetic and the Department already had placed the excise tax line on the income tax form.

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EDUCATION: Non-Budgetary Legislation

• *Freedom from Unsafe Restraint (House Sub. for SB 193):* Amends the Unsafe Restraint and Seclusion Act tightens restrictions on the use of physical restraints and seclusion when a student is known to have a medical con-

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"I am so thankful you are my representative and I certainly appreciate what you must go through day in and day out. I too want clean water, more wind power, well-funded schools and roads, and independence of the court judges. So thank you for being my voice."
-- BL

Major legislation passed in the 2016 session



As a farmer, Tom has made a strong commitment to the environment, especially adequate access to and protection of clean water. "Our future depends on a well-educated populace and sufficient clean water to maintain agriculture, industry, recreation and our lifestyle."

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dition that such restraint would place in physical or mental danger. Specific types of restraints are prohibited and local boards of education must have written policies to govern the use of restraints and seclusion. In addition, the bill requires that school personnel use at least two methods of contacting parents when a restraint or seclusion is used, with written documentation about the events leading up to the incident and steps taken to transition the student back into the educational setting.

Political Reality: Most school districts, including all in Douglas County, limit the use of restraint and seclusion already. The requirement for written policies and the use of two methods of contacting parents is reasonable.

• *Jason Flatt Act (Sub. for SB 323):* Requires the local boards of education to provide suicide awareness and prevention training to all school staff. Such programming **must** include at least one hour of training each calendar year based on programs approved by the Kansas State Board of Education. Program shall include recognizing suicide tendencies, signals and warning signs, appropriate methods of intervention, and a crisis recovery plan.

Political Reality: Most school districts already have such programs on

a formal or informal basis. The requirement to comply with State Board of Education approved plans will standardize local school district efforts.

• *Student Online Protection (Senate Sub. for HB 2008):* Prohibits the operator of an educational online educational product from knowingly engaging in target advertising on the educational product or using student information to amass a profile about a student or selling or renting such information to a third party. Information may only be used for legitimate research purposes as permitted by federal and state laws, under the direction of the school district or State Dept. of Education, upon request of the student or parent for educational or employment purposes, or to law enforcement to protect the safety of others.

Political Reality: A minimal standard to protect students' personal and academic information in an electronic age.

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HIGHER EDUCATION

• *Degree Prospectus (HB 2622):* Requires the Board of Regents to publish a degree prospectus for each undergraduate degree program. The prospectus

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Major legislation passed in the 2016 session

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must include a description of the degree, average years to obtain the degree, expected number of credit hours required, aggregate investment incurred by a student, median wage of recent graduates from such a degree program, the percent of graduates who obtain the degree and become employed in the field, and the number of years required to fully recoup the degree investment.

Information will be posted on the Board's and each institution's website and in conjunction with any web pages devoted to the promotion of a degree program.

- *Fees Charged by the Board:* Fees assessed by the Board of Regents for processing and issuing GED credentials are increased from \$15 to \$25, but renewal fees assessed out-of-state institutions so that they can offer courses in Kansas are reduced from \$3,000 to \$2,000 for degree-granting institutions and from \$2,400 to \$1,000 for non-degree-granting institutions.

Political Reality: This creates a burden on the State Board of Regents and individual schools to compile accurate data, especially on graduate placements and earnings. Providing information to prospective students is valuable, the effectiveness of the program will be dependent on the cooperation of recent graduates in accurately reporting their employment experiences and income levels. Increasing fees for persons to receive GED credentials, while reducing annual registration fees to out-of-state college programs is an injustice to Kansans and puts further pressure on the Board of Regents staff by reducing their regulatory function revenues.

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CRIMINAL AND COURT

- *Minor in Possession of Alcohol-Immunity from Liability for Seeking Medical Assistance (SB 133):* Provides immunity for up to three minors who seek emergency medical or law enforcement assistance for one of the minors in need of assistance after consuming alcohol illegally.

Political Reality: A good measure to ensure that assistance is called when a minor overindulges when illegally consuming alcohol.

- *Selection of Lawyer Members of Judicial Nominating Commissions (House Sub. for SB 128):* Requires applicants for admission to practice law to provide the following information to the Clerk of the Supreme Court: name, place of residence, date of birth, sex, and the last four digits of the person's Social Security number or the person's full driver's license identification. Any practicing attorney must notify the Clerk of a change in name or residential address within 10 days of that change.

- To be eligible to nominate or receive and cast ballots for attorney mem-

bers of the Supreme Court Nominating Commission or District Judicial Nominating Commissions, the above information must be sent by the Clerk to the Secretary of State to verify the voting address of each attorney. The Secretary of State must certify the eligibility of each attorney.

- The bill also specifies that the meetings of any judicial nominating commission are Open Meetings under the Kansas Open Meetings Act.

Political Reality: The Secretary of State's work to prevent voter fraud in the electoral process has now been extended to that of qualifying attorneys to practice law and to nominate or vote for persons to serve as Judges. The Open Meetings requirement is reasonable.)

- *Uniform Controlled Substances Act (Senate Sub. for HB 2018)* amends the Kansas Healing Arts Act to add binge eating disorder to the list of disorders that may be treated with drugs designated as schedule II, II, or IV. The

bill updates the term "hyperkinesis" to "attention-deficit/hyperactivity disorder."

- *Eyewitness Identification Policies (Sub. for HB 2151):* Requires all law enforcement agencies in Kansas to adopt a detailed written policy regarding citizen identification of persons during a criminal investigation. Agencies must collaborate with the County or District Attorney. Procedures should include the use of blind procedures, use of non-suspect fillers who do not make the suspect stand out, and eliciting a confidence statement regarding the level of certainty in the selection.

Political Realities: Well-run law enforcement agencies already included most of the required procedures.

- *Amending Punishments for Possession of Marijuana and Burglary (HB 2462):* Reduces penalties for possession of marijuana to nonperson misdemeanors for the first two convictions. It increases penalties for persons convicted of burglary who have a previous criminal felony history.

Political Realities: Reduces the number of Kansans who will be sent to prison for possession of marijuana. The prison beds made available will be used to house criminals with a history of burglary and home invasion. Overall, this should result in a decrease in total prison populations. The reduction in punishment for possessing marijuana did not address the issue of authorizing the use of medical marijuana. The burglary component of the bill was sought by one of my former Legislative Interns who currently serves as a County Attorney.

- *Crimes Related to Visual Depiction of a Child (HB 2501):* Creates the crime of unlawful transmission or possession of a visual depiction of a child between the ages of 12 and 18 in a state of nudity when the offender is less than 19 years of age. Aggravated transmission requires that the transmitting occur with the intent to harass, embarrass, intimidate, defame, or otherwise

"Thank you for your service in Topeka. I appreciate your work and your newsletters. Very informative. Keep up the good work!"
-- SR

Major legislation passed in the 2016 session

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inflict emotional, psychological, or physical harm. The presumption is the offender had this intent if such visual depictions were sent to more than one person. The crimes do not apply to the visual transmission of a child in a state of nudity if the person in the photo is the person sending the photo. Depiction of a child engaged in sexually explicit conduct or a depiction that constitutes obscenity remain crimes under different statutes.

The bill amends the crime of breach of privacy to include disseminating or permitting the dissemination of any videotape, photograph, etc. of a person 18 or older who is nude or engaged in sexual activity under circumstances in which the person had a reasonable expectation of privacy, with the intent to harass, threaten, or intimidate the subject of the visual depiction.

Political Reality:

Recognizes that teenagers' sexting should not be a crime unless one party uses such depictions in a manner to injure the other. It also recognizes that in an age of electronic communications, when a one person in a failed relationship deliberately uses visual depictions of the other person from a time in which the two were a couple in a manner that will injure, embarrass, or intimidate is a crime. Recognizing sexting by the nude party is not a crime is appropriate; recognizing that the use of personal and intimate visual depictions as a way to punish a person with whom one previously had a relationship is a criminal activity. This bill is an extension of previous legislative ideas brought to me by my former Legislative intern.

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VEHICLE INSURANCE

• *Kansas Automobile Injury Reparations Act (HB 2446)*: Increases the

minimum motor vehicle liability insurance policy requirement for property damage from not less than \$10,000 to not less than \$25,000.

Political Reality: This is appropriate given the increased costs associated with property damage. It does not address existing limits for bodily injury or death that are currently \$25,000 for one person in any one accident and \$50,000 for two or more persons.



Tom looks over part of the Sloans' prize-winning sheep at their farm just west of Lawrence.

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HEALTH CARE

• *Title X Funding for Family Planning Services (SB 248)*: places in law existing agency policies that prioritize expenditures for family planning services to public agencies, including health departments and clinics, with any remaining funds allocated to non-public hospitals or federally qualified health centers that provide comprehensive primary and preventive care in addition to family planning services.

Political Reality: This legislation is directed at preventing any money

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Major legislation passed in the 2016 session

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from going to Planned Parenthood. The discredited national story about some Planned Parenthood operations selling fetal tissues ostensibly is the reason for this language. No Kansas Planned Parenthood operation has ever been accused by a responsible party of selling fetal tissues.

• *Hope Act (House Sub. for SB 402)*: The Kansas Hope, Opportunity, and Prosperity for Everyone (HOPE) Act reduces eligibility to receive Temporary Assistance for Needy Families (TANF) and other public assistance programs from 36 months to 24 calendar months, with the possibility of a hardship extension to the existing 36-month limit. It also reduces from 42 to 18 months the TANF cash assistance lifetime limit. A family group is not eligible for TANF if at least one adult in the family has already received assistance for more than 24 months in Kansas or another state or through a federal program without approval of the Secretary of the Children and Families Department. No benefit extension beyond 36 months will be given. All TANF recipients are expected to work, seek work, or attend educational programs except for a person caring for a child under 3 months of age.

Political Reality: Few people argue against requiring persons receiving public assistance to work, seek work, or participate in educational opportunities. The reduction of eligibility from 36 to 24 months during a person's lifetime does not necessarily reflect economic and job realities, the length of educational programs, the health of the new mother, etc. This law is likely to save the state money in the short-term, but make it more difficult for persons receiving public assistance to complete the education and job training programs necessary to truly become self-sufficient economically.

• *Step Therapy*: The bill removes the prohibition from requiring a Medicaid recipient to use or fail with a drug or drug therapy prior to allowing the physician to approve an alternative course of treatment. Commonly referred to as Step Therapy, previously a patient was required to try a generic or lowest cost drug or treatment and experience failure to control the medical condition before the physician could prescribe a potentially more viable and effective treatment or medication.

Political Reality: Step Therapy is a reasoned approach to controlling Medicaid expenses paid by the federal and state governments. However, it removes from the physician's control the ability to prescribe treatments and medications that he or she knows from clinical or other experience will be more effective before less costly treatments are shown to fail. The goal to control health care costs and the cost to taxpayers is admirable. Permitting physicians to prescribe the most effective treatment first is a responsible way to improve health care outcomes.

• *Kansas Tanning Facilities (HB 2456)*: Prohibits a tanning facility from providing access to a tanning device to any person under the age of 18. The facility may be fined up to \$250 for each violation.

Political Reality: Medical professionals testified to the long-term harm that persons can have from use of tanning facilities, as well as unprotected exposure to the sun. The decision to prohibit persons under the age of 18 from using those facilities was in response to concerns that such young people do not adequately consider the potential long-term effects on their health. A weak analogy is the prohibition of persons under the age of 18 from using tobacco products because of potential cancer and other health risks.

• *Donated Services by Healthcare Providers; Licensure of Acupuncture Practitioners; Interstate Medical Licensure Compact, Independent Practice of Midwifery (HB 2615)*: The bill permits healthcare providers and dentists to receive continuing education credit for performing two hours of gratuitous service to medically indigent persons. Healthcare providers may receive a maximum of 20 continuing education credits

through such service and dentists may receive six credits.

The Acupuncture Practice Act provides for the licensure of persons by the Board of Healing Arts. Physical therapists are exempt from the Act when performing dry needling, trigger point therapy, or services specifically authorized under the Physical Therapy Practice Act. The practice of acupuncture includes dry needling, trigger point therapy, intramuscular therapy, mechanical and thermal pressure, electromagnetic treatments, therapeutic exercises and meditation, dietary and nutritional counseling, and the recommendation of herbal products.

• *Interstate Medical Licensure Compact*: Governed by the Interstate Medical Licensure Compact Commission to develop rules to streamline physicians becoming licensed in multiple states. The Compact does not change Kansas; existing medical practice act requiring a physician to be under the jurisdiction of the State Board of Healing Arts, it does facilitate physicians to use Internet-based consultations and patient treatments across state lines.

• *Independent Practice of Midwifery*: Effective January 1, 2017, certified nurse-midwives may practice without a collaborative practice agreement with a physician. The bill also prohibits nurse-midwives from performing or inducing abortions or from prescribing drugs for an abortion.

Political Reality: Encouraging healthcare professionals to donate their knowledge, skills, and time in support of indigent or uninsured persons is a worthy objective. Licensing acupuncturists is in the best interests of patient safety and improved health care outcomes. It is important to note that many other persons may provide some of the services included in the definitions

“Please convey my thanks to Tom for his continued hard work and for the positions he takes on our behalf.”

-- PB

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under the Acupuncture Act. Facilitating the licensure of physicians who live outside Kansas, but can provide invaluable services to Kansans over the Internet is essential as we become a more mobile and interactive society. Encouraging physicians with specific knowledge and skills to diagnose and treat Kansans, often in cooperation with the local physician, will improve the overall health of Kansans. Permitting nurse-midwives to practice independently from a physician increases Kansas consumer choices. It is important to note that these nurse-midwives must be licensed by both the Board of Nursing and the Board of Healing Arts.

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ENERGY AND UTILITIES

• *Siting Wireless Telecommunications Infrastructure (Senate Sub. for HB 2131)*: Wireless services providers shall have the right to construct, maintain, and operate services along, across, upon, under, or above public rights-of-way subject to reasonable public health, safety, and welfare requirements so long as the municipality's Home Rule powers are exercised in a competitively neutral and not unreasonable or discriminatory manner. The bill further specifies revised criteria and timelines for municipalities to approve or disapprove infrastructure location applications and for the Kansas Corporation Commission to revise eligibility for Kansas Universal Service Funds.

Political Reality: This bill was agreed upon by all telecommunications providers in Kansas. It generally reflects timelines established by the Federal Communications Commission and was significantly impacted by local government interests to protect the Home Rule authority of cities.

• *Kansas Electric Transmission Authority (SB 318)*: Abolishes the Transmission Authority (KETA).

Political Reality: This is a mistake. KETA was responsible for facilitating the construction of high voltage electric transmission lines to move Kansas wind energy to markets in other states. It was the model for states to cooperate with regional electric transmission organizations to coordinate planning. I successfully removed language in the original bill to transfer KETA financial reserves to the State General Fund. The new language I inserted indirectly returns the KETA reserves to the state's electric customers.

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FEDERAL AND STATE AFFAIRS

• *Compacts between Kansas and Tribes (SB 484 and SB 485)*: Approves Compacts (agreements) relating to cigarette and tobacco sales, taxation, and collection between the State of Kansas and the Prairie Band Potawatomi Nation and the Iowa Tribe of Kansas and Nebraska.

Political Reality: These Compacts recognize the sovereignty of the Tribes and the State's desire to uniformly tax tobacco sales.

• *Constitutional Right to Hunt (HCR 5008)*: Proposes a state constitutional amendment for consideration at the November 2016 General Election that would establish a constitutional right to hunt, fish, and trap wildlife in the

state by traditional methods subject to reasonable laws and regulations that promote wildlife conservation and management.

Political Reality: Probably unnecessary from a legal perspective, but a recognition of the importance of outdoor interests politically and for one's individual health.

• *Terrorist Detainees (HCR 5024)*: Urges the President to retain the detention facility at Guantanamo Bay, Cuba, and that terrorist detainees will not be transferred to Fort Leavenworth. It includes language stating that in addition to putting American citizens at much greater risk, officers from other countries who attend classes at Fort Leavenworth may choose to not bring their families or may not be permitted to attend by their own countries and that such results would hurt the local economy and potentially affect the country's ability to effectively find peaceful solutions to international problems.

Political Reality: Puts the Kansas Legislature on record protesting the potential relocation of foreign terrorists in Kansas and, by extension, on the U.S. mainland. Does not have the force of law and the President and Congress can ignore or

acknowledge the Resolution as they wish.

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JUDICIARY ISSUES

• *Exercise of Religious Beliefs by Student Associations (SB 175)*: Prohibits a college or university from enforcing any policy that would deny a religious student association any benefit available to other student organizations due to the association's sincerely held religious beliefs or the association's religious missions.

Political Reality: The term sincerely-held religious beliefs is not defined

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"Thank you for your continued support of public education. As a retired teacher who taught for 33 years, you can imagine how wonderful it feels to have my legislator in my new home of Lawrence continually vote to support public education. While I definitely don't base my votes on just the issue of education, I find that those legislators who support public education usually also support the other issues I support."

-- VR

Major legislation passed in the 2016 session

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and potentially would place a student organization in conflict with anti-discrimination statutes. This was a very contentious issue because it appears to permit discrimination on gender, race, ethnicity, sexual orientation, gender identification, and other factors in the name of religion. I opposed the bill because it permits discrimination.

- *Juvenile Justice Reforms (SB 367)*: Effective July 1, 2017, juvenile offenders may remain under the jurisdiction of the Court for up to 12 months for misdemeanor crimes; up to 15 months for low-risk and moderate-risk offenders adjudicated for a felony; and up to 18 months for high-risk offenders. There is no overall case length limit for juveniles adjudicated for a severity level 1 through 4 felony.

If a juvenile is adjudicated for multiple accounts, the maximum overall case length is calculated based on the most severe count and multiple adjudicated counts will run concurrently, not consecutively. Once the overall case length limit expires, the court's jurisdiction ends and may not be extended. The court shall establish specific probation terms based on the most serious adjudicated count and the results of the risk and needs assessment. The probation term may not exceed the overall case length limit. Probation may be extended for the person to complete an approved course of action.

The Dept. of Corrections, in consultation with the Kansas Supreme Court, is to develop a statewide system of structured community-based graduated responses for technical probation and other early release violations. Generally speaking, juveniles who commit technical probation or other violations of their release will not be re-incarcerated unless it is their third violation or the juvenile poses a significant risk of physical harm to another.

The Department also must develop for use by the courts a community integration program for juveniles who are ready to transition to independent living. The programs must be designed to prepare juveniles to become socially and financially independent.

Political Reality: Professionals in the juvenile justice field believe that long incarceration for most juveniles is counter-productive. A majority of legislators and I agreed and it will save the state money by reducing the number of incarcerated juveniles.

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LOCAL GOVERNMENT

- *Nutrition Labeling, Property Inspections (SB 366)*: Cities, counties, and other local governments are prohibited from restricting food service operations based upon food nutrition information or consumer incentives. The regulation of food nutrition information and consumer incentive items served

with food or nonalcoholic beverages sold at restaurants, retail food establishments, or vending machines is reserved to the Legislature.

Municipal governments are prohibited from establishing or enforcing residential property licensing policies that require periodic interior inspections unless the lawful resident occupant gives consent.

Political Reality: This bill targeted Lawrence and other cities that seek to require more food nutrition information or interior home inspections for health and safety checks. Most legislators complain about interference from the federal government in state affairs, but have little concern about the Legislature taking away local decision-making abilities from cities and counties. I opposed the bill because Lawrence voters, through the election of City Commissioners, can best determine what policies are appropriate in our community.

- *Open Records (Sub. for SB 22)*: States that every audio or video recording made and retained by law enforcement using a body or vehicle camera shall be considered a criminal investigation record as defined in the Kansas Open Records Act. Persons may request to listen or view such recordings and law enforcement shall make such recordings available subject to a reasonable fee. Access is limited to those directly affected by the recording and their attorneys.

Political Reality: Recognizes that many communities are using body and vehicle cameras and that, with restrictions, such recordings should be available to the affected parties prior to judicial

hearings. The bill does not address the cost of maintaining the recordings, when they may be erased and reused. These are significant issues, though allowing defense attorneys to view the recordings prior to Court hearings is appropriate.

- *Elections (HB 2558)*: Prohibits cities and counties from regulating or prohibiting actions related to door-to-door campaigning by candidates, including canvassing, polling, soliciting, or otherwise approaching private residences for the purpose of distributing campaign literature or campaigning for a candidate.

Political Reality: Permits greater access to the public by political candidates and their supporters. This has not been a major problem in Kansas.

- *Property Tax Lid (Senate Sub. for HB 2088)*: Accelerates by one year to January 1, 2017, the effective date of a tax lid for cities and counties that was originally approved in 2015. Under the tax lid, increases in property tax above the rate of inflation generally will require voter approval. The inflation rate utilized will be a five-year rolling average and cannot be a number less than zero. There are a number of exemptions to what can be considered as

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“Tom, we know you are doing what you can given the individuals elected to manage and govern that are not. Keep up your good work and your efforts to keep us informed!”

-- J&VS

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increases in local spending. These include: construction or reconstruction of structures, increased personal property valuation, real property added to the municipality's boundaries, bond and interest payments, court judgments, expenditures mandated by federal or state law, expenditures related to local disasters, expenditures for law enforcement and emergency services, and others.

Political Reality: The exemptions from the calculations make the election requirement less likely to occur.

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AGRICULTURE & NATURAL RESOURCES

• *Use of Sound Science in Agriculture (HR 6045)*: Establishes that the Kansas House of Representatives supports the use of sound science to study and regulate modern agricultural technologies, crop protection chemistries, and genetically engineered or enhanced traits and nutrients. The House opposes legislation or regulatory action that may result in unnecessary restrictions on the use of modern agricultural technologies. The Resolution was sent to the President, Congressional leaders, and members of the Congress from Kansas.

Political Reality: Sound science is not defined, though the implication is that genetically modified plants and animals are to be permitted. It is frustrating to note in this bill the use of "sound science," but that term is not used for climate change-related regulations.

• *Water Permits (House Sub. for SB 337)* authorizes the Chief Engineer of the Dept. of Agriculture's Division of Water Resources to impose up to a \$1,000 fine on a water rights holder who does not file a water use report and permits the Chief Engineer to indefinitely suspend water rights of those holding permits for consistently failing to report water usage.

Political Reality: A few water rights holders have found it expedient to pump more water from the Ogallala Aquifer or other source than their authorized allocation permits. The previous fine of \$250 was insufficient to change their behavior. The threat of having their water rights suspended should change their pumping behavior. Because over pumping of one's legal allocation impacts other irrigators and water users in the area, this is an important piece of legislation.

• *Alcohol: Microbrewery Licenses (SB 326)* increases the amount of beer that can be manufactured to 60,000 barrels per year. The microbrewery may also manufacture and distribute up to 100,000 gallons of hard cider that con-

tains less than 8.5% alcohol by volume. No less than 30% of products used to manufacture hard cider must be Kansas-grown.

Political Reality: Provides another product for microbreweries to produce and market. It also provides another commercial outlet for some Kansas farmers.

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FIREARMS

• *Concealed Carry (HB 2502)* prohibits public employers from restricting or prohibiting any employee legally qualified to conceal carry from carrying a concealed handgun while engaged in employment duties outside the employer's place of business. School districts are exempted from this law.

The bill also changes a previous law that authorized the prohibition of concealed carrying of weapons throughout a state or municipal building. HB 2502 requires the permitting of such carrying of weapons in public areas of municipal and state buildings. School districts are not exempt from this requirement. Adequate security and sign postings are required and adequate security measures requires that personnel used at public entrances of buildings prohibiting concealed carry within the building must be armed.

Political Reality: Expands the rights of persons to carry concealed weapons. I remain troubled by the fact that persons may carry concealed weapons without passing an approved safety course.

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TRANSPORTATION

• *Enforcement of Turnpike Toll Payments (SB 373)*: Requires the owner of a vehicle driven on the Kansas Turnpike to pay all tolls associated

with that use of the Turnpike.

Political Reality: The Turnpike is transitioning to a "fly by" system for K-Tag holders. This is similar to the procedure in other states in which cars do not slow to 20 mph when going through the toll area. A camera records the vehicle's license plate number and if the vehicle does not have a K-Tag the data is recorded. If the unpaid tolls and penalties exceed \$100, the Kansas Turnpike Authority will work with the Dept. of Revenue and local County officials to collect the amount due before the vehicle can be registered again. This should reduce delays at the Turnpike toll booths.)

• *Motorcycle Driver's Testing (HB 2522)*: Permits persons to take the motorcycle driver's test on three-wheeled motorcycles instead of two-wheeled. Previously, persons wishing to ride a three-wheel motorcycle were required to take the driver's test on a two-wheel vehicle.

"Thank you for your moderate voice and support of education in Kansas. I can't believe how far this once great state has fallen. Thank you so much for your efforts to restore sanity to Topeka."

-- BW

Family, farm, furry pets and, of course, sheep



Tom and Gail sit on their deck reading an issue of *Lawrence* magazine that featured their flock of sheep. **Left:** their two shepherds, Grace and Tyler.

Left: Tom and Gail pick pears at their farm with their daughter, Lynnette, and her husband, Nathan Littlejohn.



Right: Tom and Gail with daughter and son-in-law, Lynnette and Nathan Littlejohn. Lynnette and Nathan were recently honored by the Lawrence Preservation Society for the renovation of their historic home in Lawrence.

Special thanks to photographer M.A. Chipman, who took most of the photographs for this supplement. We couldn't have done this without her.

Tom with grandson Caden Manley, 10, and granddaughter Sloan Manley, 14, at their home in North Carolina earlier this year.



Tom's issue-related activities in 2016

Most Kansas Legislators' activities are largely confined to when we meet at the State Capitol. I believe that my constituent service responsibilities exist all year and include helping resolve problems with state agencies, continuing to become more knowledgeable so that I can better represent our collective interests, and serving on national committees to learn and contribute information and ideas from Kansas to national policy debates.

You may recall that I serve on the U.S. Dept. of Energy's GridWise Architecture Council and the Electricity Advisory Committee's Energy Storage

Subcommittee; the National Council on Energy Policy; and the Federal Communication Commission's Intergovernmental Affairs Committee. I also serve on the National Conference of State Legislatures' Energy Supply Task Force

and the Council of State

and the Military & Veterans Affairs Task Force; and the Governments' Energy and Environment Committee.

I recently was invited to join the U.S. Environmental Protection Agency's Intergovernmental Affairs Committee meeting in Washington, D.C. I hope that this will result in my being appointed to that Committee.

The EPA's regulations on water and air quality directly impact all Kansans. Helping the agency develop policies that balance the benefits of more stringent regulations and the costs associated with the regulations is important. I hope that my common sense approach and ability to bring federal agency personnel and Kansans together will benefit all of us.

I am frequently invited to speak at regional and national conferences on telecommunications and energy policy issues and I have published articles on both subjects in national and international refereed journals.

You may also recall that I have hosted federal, regional, and state policy-makers on water, energy, and telecommunications policy and program collaboration more than 20 times. No other state is heard more than Kansas on national policy issues in these fields and I am broadening my work to include cyber security collaboration. It appears that my work with the FCC will result in a joint FCC-KU Workshop on cyber security.

The above is not meant to say how great I am, but rather that I work very hard to learn how to best serve our interests and to help Kansans be heard during national and regional debates. It is not acceptable to me for interests in the large population states and national organizations to be heard without Kansas voices being on record.

My participation in the vast majority of these meetings is not at Kansas taxpayers' expense, though often it is at Gail's and mine.

Recently in recognition of my work in health care delivery and telecom-



Tom and Lenexa City Commissioner Andy Huckaba at the Federal Communications Commission office in Washington, D.C., recently. They serve on a Federal Communications Commission advisory committee. Tom was the lead author on public safety communications, and he contributed other recommendations supporting local tower siting authority. "That's important because, otherwise, cell phone providers could put towers willy-nilly without considering such things as historical significance or community input."

communications policy-making, I was selected to serve on the Kansas Telehealth Advisory Committee.

This is another opportunity for me to help Kansans in Douglas County and across the state use the Internet to deliver cost-effective health care. You may recall that a few years ago I facilitated a partnership between the Veterans Affairs Administration and Kansas health care centers so that some veterans could go to their local hospital and be seen electronically by the VA physicians.

I also strive to learn about what Kansans do every day. To that end, I visit KU faculty to learn about the research in which they are engaged and Lawrence and Douglas County businesses to learn about their products, production technologies.

I am particularly interested in how the State may be able to help them grow. I also guest lecture in public schools and KU to talk with students and faculty; and every year, whether it is an election year or not, I walk the legislative district to learn what you think. I like to learn and I like to help people smarter than me influence policy-making at all levels.

'I . . . help Kansans be heard during national and regional debates'

‘Too many work...at the expense of investing in the future’

There is always something of a conflict between those persons wanting lower tax bills and those wanting increased funding for specific programs. This is a healthy debate and the state benefits when

the two sides are reasonably balanced in terms of influence. The result generally is a reasonable tax policy and prioritization of program funding.

Unfortunately, Kansas suffers, in my opinion, from too many legislators wanting a “smaller government” and lower taxes at the expense of investing in the future of our state. Education funding for K-12 and higher education is a primary battle ground between the two forces in the Legislature, but there are others – safety net programs for persons with disabilities, highway maintenance for public safety, mental health facilities and programs, Highway Patrol and other public safety agencies, to name a few.

Recently I was in Washington, D.C. for a federal agency advisory committee meeting and read about the systemic problems experienced by the Metro’s subway system. According to the newspaper’s analysis, the Metro’s failure-prone subway is mired in disrepair because the transit agency neglected to heed warnings that its aging equipment and poor safety culture would lead to chronic breakdowns and calamities.

“Thousands of pages of documents and dozens of interviews show that the decline of Metro is a story about head-in-the-sand leadership through its (40-year) history, about political inertia and timidity... about fateful misjudgments in strategic planning,

and about cautions ignored or underestimated....The politicians who held the purse strings seemed happy to invest in laying new tracks and opening new stations, where they could tout development at opening ceremonies. But they cared less about spending for maintenance to prevent breakdowns years later, when they might no longer be in office.”

The failure of political leaders in Washington, D.C., to look beyond their own terms of office is, in my opinion, the same crime that is being committed in Kansas by too many elected officials. Undermining the state’s highway funding system is resulting in less well-maintained roads, higher car repair bills, lower private sector employment, and decreased public safety. Similarly, failure to invest in the State’s mental health and corrections programs result in loss of federal funds and increased risk to staff members. Talking about protecting the state’s drinking water supplies, instead of funding necessary programs, puts at risk water quality and supplies, thereby increasing costs to local water treatment processes. The continued Court cases about the adequacy or inadequacy of K-12 funding masks the adverse impacts on decreased investments in higher education and the resulting rapidly increasing tuition rates. State employees have not had a raise in eight years, morale is extremely low, and employees leave at ever increasing rates.

Government services – restaurant, child care, and nursing home inspections, Highway Patrol and Kansas Bureau of Investigation services, prison and mental health hospital services – are not delivered by State Legislators and the Governor. They are

delivered by State employees – our neighbors. When we do not adequately compensate teachers and state employees, when we delay or reduce commitments to the public retirement system, and when we constantly talk about how inefficient public employees are and how government should operate more like a business (presumably with layoffs and outsourcing jobs overseas), we discourage people from working in education and other government programs. The ultimate result is that we receive fewer services with less quality.

Not every program proposed can or should be funded. But the decision to fund or not fund any program should be based on an analysis of long-term benefits versus program costs, as well as the program’s ranking among the state’s priorities. Shrinking government sounds good, but the impact of short-term thinking has long-term implications. It will take decades and hundreds of millions of additional expenditures to restore our state’s educational opportunities, re-staff our state agencies to deliver timely services, address our water quality and supply problems, rebuild our highway infrastructure, and generally offer Kansans a brighter future. It is less expensive to fix a problem before it becomes a crisis.

I am optimistic that the 2017 Legislature will have more members interested in our long-term future, than in short-term budget reduction goals. Increasing revenues is not always the appropriate action, but failing to invest in the future is a good way to fail to capitalize on our people and opportunities.

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