

**Representative Brenda Landwehr**  
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The House and Senate worked quickly to override the Governor's veto of the concealed carry law. The Senate voted 30-10 and the House vote was 91-33 to make the bill law against the demands of the Governor.

In a related matter, the House also passed SB 366, which removes from statute a citizens "duty to retreat" by establishing a justified use of force provision. This would allow for you to defend yourself if you have a "reasonable fear of imminent death or great bodily harm to such person's self or another."

## Funeral Picketing

In response to the picketing of funerals of soldiers who have

fallen in Iraq, and out of respect to their loved ones, the House made changes to the Kansas Funeral Picketing Act by prohibiting persons from engaging in picketing or a directed march within 300 yards of any entrance to any cemetery, church, mortuary, or other location where a funeral is held or conducted. House and Senate conferees where never able to agree on a compromise before the end of session. The Senate position wanted to allow protestors on sidewalks because they were concerned if they didn't the bill's Constitutionality would be tested in court. The House believed it was better to hold out for stronger language and fully protect the families that

are burying a loved one that has died to protect our country.

## Affordable Airfares

In a primarily rural state like Kansas, regional airports provide a vital connection for business and personal travel. When the closest international airports for most residents are in Denver and Kansas City, the plane ride often becomes the shortest leg of the trip. SB 475 would establish the State Affordable Airfare Fund for the regional airports in Kansas. Money would be appropriated from the State General Fund for distribution to qualifying airports in Kansas to increase competition and reduce the cost of airfare for travelers.



**Honoring of those Involved in the Capture of BTK**

*"Too often, members of our law enforcement community are not recognized for their tireless service to our society. In Kansas, we benefit from having perhaps the best officers in the country working each day to protect our families. The investigation, identification and capture of the BTK killer is yet another example of the capability of our law enforcement community."* —Rep. Brenda Landwehr

The Kansas House of Representatives honored some of the nearly 300 law enforcement officers who assisted in the identification and capture of the BTK killer, Dennis Rader. Federal, state and local agencies worked countless hours and it was only through their coordinated efforts that this killer who plagued Wichita for over a decade was brought to justice. The BTK task force was comprised of officers and detectives from the Wichita Police Department, agents from the Kansas Bureau of Investigation (KBI), agents from the Federal Bureau of Investigation (FBI), as well as members of the Sedgwick County and KBI Crime labs and other law enforcement officers and agencies. Several members of the task force were on hand for a ceremony that honored them when the House convened Tuesday, March 14th.

## 2006 Session Wrap-Up Newsletter

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## TABOR Update

With the passage of a school finance plan of over \$500 million (after a \$290 million increase just last year) the need



for spending limits and limits on the taxation that funds the spending is clearly needed. Under the current education system the state of Kansas will be \$400 million in the red by the final year of the "plan".

A Taxpayer Bill of Rights would limit state spending increases to the rate of inflation plus population growth. It would also require increases in taxes to be placed on the ballot.

Despite the evidence of the

growing popularity of TABOR, House Speaker Doug Mays blocked a vote on the issue to come to the floor of the Legislature. While frustrated, I didn't give up fighting on behalf of the taxpayers of this state.

Instead, I played a major role in working to bring a "Super-Majority to Raise Taxes" bill to the floor. Currently, 17 states have taxation super-majority's, including our neighbors of Colorado, Oklahoma and Missouri. In those states there has to be anywhere from 2/3d's to 3/4th's of the state legislature to vote to raise taxes. Our own Bob Dole and Nancy Kassebaum both endorsed such a measure in the United States Senate.

Legislators that do not mind raising taxes on their constituents conspired to kill this common sense legislation. They

proposed amendments ranging from requiring every piece of legislation to have a 2/3d's majority to exempting education and transportation funding to a super-majority vote. Finally, in an effort to kill the legislation outright, an amendment was offered to refer the bill back to the Appropriation Committee for more "study." This amendment passed 63-57 thanks to a coalition of big-spending, high-taxing Democrat and liberal Republican members.

## Education and School Finance

After the 2005 Special Session regarding funding for schools, the legislature put forth a plan that funded schools for the 2005-2006 school year. Because the Kansas Supreme

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*"Every session the Legislature debates hundreds of bills, many of which I haven't covered in this newsletter. If you have a particular issue of concern please feel free to call me at 316-821-9800. This was printed prior to the last day of session and action on some bills is still pending before the Governor."*

Court ruled that they wanted more money, the House began fashioning a new funding plan early in the session. Several studies were done including last year's Legislative Post Audit study as well as Standard and Poore's. Both studies suggested



that the proper allocation of money, not the amount of money, was key to helping all students reach their potential. Both studies were put in bill form and received not a single vote from either Democrats or Republicans. The final school funding increase which passed, a 3 year plan worth \$541 Million, will put us into an unconstitutional deficit of \$175 million by the third year. This irresponsible plan, which will force tax increases in the near future, narrowly passed both the House and the Senate and has been signed by the Governor.

## Jessica's Law

A Judiciary Committee heard emotional testimony from Mark Lunsford. Mr. Lunsford is the father of Jessica Lunsford, a young girl in Florida who was abducted from her bedroom, raped, and buried alive by her captor; a repeat sex offender. Jessica's father, motivated by this horrific tragedy, has traveled the

United States encouraging states to toughen penalties against sex offenders. Kansas' version of Jessica's Law, HB 2576, introduced by Rep. Trish Kilpatrick, would do just that. Persistent sex offenders who commit sexually violent crimes would be punished by life without parole.

## Eminent Domain

House members were three votes short of the 2/3 majority they needed to establish a constitutional amendment limiting the government's power of eminent domain. The final count was a partisan vote of 81-43 on House Concurrent Resolution 5025 which would have amended Article 15 of the Kansas Constitution to prohibit state or local governments from taking private property, except for public use, by eminent domain. Another bill limiting eminent domain, Substitute for SB 323, passed late in the session and was signed by the Governor.



## Powers of the Supreme Court

When the Supreme Court demanded more money for school finance and then went farther by specifying exactly how much would be allocated, many legislators thought the Court overstepped its authority.

The Article Two power of the Kansas Constitution states "No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law." I believe that this power should be reinforced. If an unelected court can dictate spending, the separation of powers and the citizens right to have their vote count is in jeopardy. Allowing an unelected oligarchy to set spending policy for the state without standing for election eliminates your voice in some of the most important issues facing our state.

## Sales Tax Holiday

If House Bill 2601 had been passed, the "back to school sale" advertised by many retailers would mean even more in Kansas by providing a sales tax holiday for shoppers. The length and the date of the proposed holiday were debated but had the bill passed Kansans could have taken advantage of sales tax free back to school purchases for their children.

## Machinery & Equipment Tax

HB 2619 allows tax exemptions for certain commercial and industrial machinery and equipment, materials and supplies. The elimination of the tax would spur economic development and reinvestment in local economies and increase revenues in other areas to offset the loss of the M & E collection. For many businesses to grow they

must first purchase new technology which helps spur growth and creates much needed new jobs for Wichita. The M&E tax elimination passed both Houses and was signed by the Governor.



## In-State Tuition for Illegal Immigration

Numerous attempts were made this year in the House to repeal legislation which allow illegal immigrants to receive in-state tuition to Kansas college's. This statute is against federal law and several lawsuits challenging it are pending. It also rewards illegal behavior while simultaneously hurting legal immigrants residing outside of Kansas who wish to attend a Kansas college. Until the federal government acts and seals our porous border this will continue to be an issue for state governments. I have consistently opposed granting illegal immigrants special rights, including drivers' licenses and in-state college tuition over the wishes of our Governor.

The following article was written by Kris W. Kobach and expresses his opinion on in-state tuition for illegal immigrants Kris served as Counsel to U.S. Attorney General John Ashcroft from 2001-2003. He was the Attorney General's chief advisor on immigration law and border security. He is currently a Law Professor at the University of

Missouri.

"Providing in-state tuition subsidies to illegal aliens is objectionable for two basic reasons: it is illegal on numerous levels and it is profoundly bad policy.

First and foremost, the Kansas legislature has violated federal law by passing the bill. In 1996, Congress passed a federal statute specifically prohibiting state governments from giving in-state tuition to illegal aliens (Title 8 U.S. Code Section 1623). Congress declared that no state may give in-state tuition benefits to illegal aliens without extending the same benefits to out-of-state U.S. citizens. Kansas is now openly and flagrantly disregarding federal law.

The second problem with giving in-state tuition to illegal aliens is that it is an irrational policy. Not only is it unfair to those aliens who follow the law, it is a slap in the face to law-abiding American students. For example, consider a student from Missouri who attends Kansas University. That Missouri student has always played by the rules and obeyed the law. Yet Kansas University charges him triple what it charges an illegal alien whose very presence in the country is a violation of federal criminal law. The Missouri student must encumber himself with heavy student loans; meanwhile Kansas taxpayers are compelled to subsidize the higher education of illegal aliens.

And the price tag won't be

cheap. Using conservative INS numbers from the year 2000, it is estimated that more than 2,660 illegal aliens in Kansas will eventually be eligible to take advantage of the in-state tuition benefit each year. That means that the total cost could be over \$20 million a year. And this is at a time when the Kansas State Board of Regents has requested more than \$100 million in additional tax dollars to keep university services at their present level.

It's a lose-lose proposition. The illegal alien finds that his college degree is worth little because he is ineligible to work; and the state has invested millions of dollars training an illegal workforce that can be deported at any moment."

## Concealed Carry/Veto Override

The House and Senate passed SB 418 to allow licensed Kansans to carry concealed firearms. The bill requires a training course, background check and a license from the Attorney General's office. The legislation also specifies a number of locations where it is not permissible to carry concealed weapons, including schools and government buildings. The bill reached the Governor's desk early in the session and was vetoed.





