

request of the Governor, Kansas Attorney General Derek Schmidt filed requests for mediation and a stay of the *Gannon v. State* school finance decision announced January 11th, 2013 by a three-judge panel of the District Court of Shawnee County. The Kansas Supreme Court granted mediation and issued a stay on the district court's decision against the state in the lawsuit. By staying the order and judgment of the lower court, the Supreme Court officially decided that it would hear the lawsuit; oral arguments were heard during the week of October 7th, 2013.

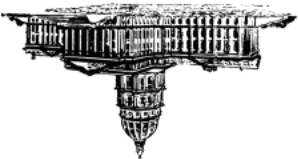
In their decision, the three-judge panel stated that funding for public schools is unconstitutionally inadequate. The ruling calls for the Kansas Legislature to raise the Base State Aid Per Pupil (BSAPP) from \$3,838 to \$4,492 which would result in a cost of about \$437 million dollars for state taxpayers. Since an agreement between the two parties has not been reached through mediation, it is likely that issues identified through the process will be the focus leading up to the Supreme Court's decision.



Representative Kahrs with his two oldest daughters (on the day they paged) and Governor Brownback.

It is important to remember, BSAPP amounts to only 30% of total school funding. Recent information put out by *Education Week* has indicated that Kansas' Per Pupil Expenditure (PPE) is more than \$12,500. This makes Kansas allocation compared to other states the 4th highest for K-12 spending in the nation at 50.5%. The national average is 34.7%.

Representative Mark Kahrs
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2013 LEGISLATIVE UPDATE

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Representative, 87th District
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Dear Friend,

The 2013 Kansas Legislative Session is complete, along with a rare Special Session this past summer. After finishing my first session as a Kansas legislator, I wanted to share some of the accomplishments and offer a brief look forward as we near the start of the 2014 Kansas Legislative Session.

It has been an honor to represent you and the rest of the 87th District. I have heard from many of you on important issues that face our community and great state. If you have ideas or concerns regarding legislation, please don't hesitate to use the contact information provided above to contact me. I appreciate your input and look forward to working together in the coming session to address the important issues facing our state.

Mark A. Kahrs

KANSAS BUDGET

The one constitutional duty of the legislature each session is to pass a budget for the state. Since I serve on two budget committees I was able to see first hand the making of the final budget. This session, the House fulfilled its duty by passing a budget that makes the government more efficient and leaves the state fiscally sound. Unlike previous sessions where it has been the norm to pass just a one year budget, the legislature passed a two year budget which includes appropriations for FY 2014 and FY 2015 in an effort to better address budget challenges up front.

Through responsible budgeting practices, such as deleting funding for state government jobs that have been vacant for a sustained period of time, the final budget reduced an additional \$104 million from the Governor's two year recommendation, totaling a reduction in State General Fund (SGF) expenditures of \$198.7 million over two years. This diligence for finding waste throughout state government allowed for the avoidance of cutting core state services, such as K-12 education.

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COMMITTEE ASSIGNMENTS
Appropriations
General Government Budget Judiciary

2014 TENTATIVE HOUSE DEADLINES

Monday, January 13th at 2:00 p.m.
First day of 2014 session

Monday, February 3rd
Last day for member or members
to REQUEST to have bill drafted.

Monday, February 10th
Last day for Committees to
REQUEST to have bills drafted

Wednesday, February 12th
Last day for Individuals to INTRODUCE bills.

Friday, February 14th
Last day for Committees, except
committees listed above, to INTRODUCE
bills.

Friday, February 28th (Turnaround Day)
Last day to CONSIDER BILLS IN
HOUSE OF ORIGIN

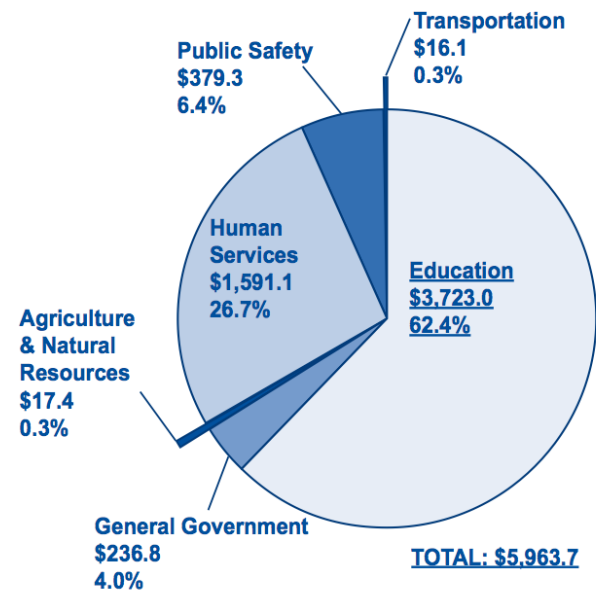
Wednesday, March 26th
(Second House Consideration)
Last day to CONSIDER BILLS NOT IN
HOUSE OF ORIGIN

Friday, April 4th (First Adjournment)
No bills considered after this date

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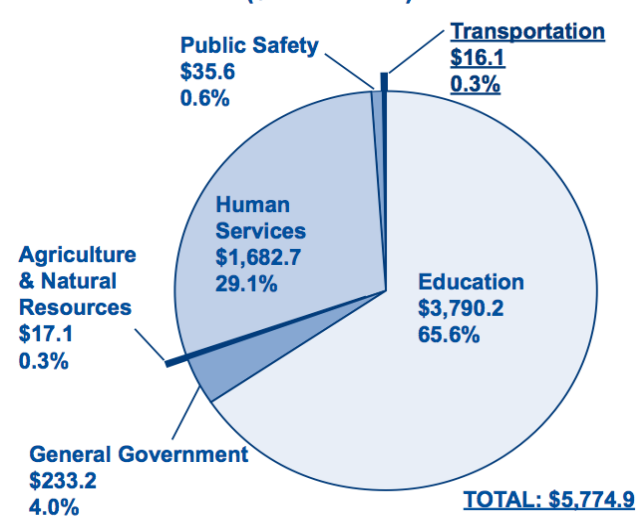


**FY 2014 State General Fund Budget
By Function of Government
As Approved by the 2013 Legislature
(\$ In Millions)**



Less than three years ago, the state had only \$876.05 in the bank. In comparison, this new two year budget leaves the state with an ending balance of \$515.6 million in FY 2014 and \$331.5 million in FY 2015. Throughout the session, the House emphasized the need to cut spending in order to help spur economic growth. Many reductions proposed by the House were included in this budget and because we were able to maintain

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fiscal responsibility, the state will have a healthy ending balance over the next two years even as income tax revenues drop due to the newly passed tax legislation.

I supported SB 171 and the House passed it with a vote of 63-51.

JUDICIAL SELECTION REFORM

HB 2019 which reformed the judicial selection process for the Kansas Court of Appeals became effective July 1st, 2013. The old selection process was a lawyer dominated process made up of nine unelected board members. Kansas was the only state in the country where the attorneys held a majority in the judicial selection process. This commission was made up of four non-attorneys appointed by the Governor, four members selected from each congressional district by attorneys admitted to the Kansas Bar, and a chairman selected at large by attorneys who are members of the Kansas Bar. Qualified electors for the nomination commission were the 10,000 attorneys across the state, however, only about 3,000 actually voted. This meant that the old selection process consisted of a small, unelected minority selecting judges for 2.8 million Kansans. This judicial selection process still exists for the selection of our Kansas Supreme Court Justices and any change will require a Constitutional Amendment.

HB 2019 eliminated the commission and replaced it with a federal model of judicial selection. The new model includes the appointment of judges by the Governor and confirmation of those judges by a vote of the Senate. The legislation ensures democratically elected Kansans are selecting our judges and not an unelected minority. Although I prefer direct elections I believe this new selection process is more democratic and will prove to be a more open and transparent process.

I voted in favor of HB 2019 and the House passed it with a vote of 73-50.

DRUG TESTING

The legislature passed SB 149, a bill that will require drug screening for Temporary Assistance for Needy Families (TANF) applicants suspected of drug use. In the event of a positive test, welfare recipients would be required to complete substance abuse treatment and a job skills program. A second positive test would require a second round of treatment and training. Further positive testing would result in long-term suspension of all cash benefits.

Additionally, any person convicted of a felony after July 1, 2013 will not be eligible for welfare benefits. The bill also contained a component for recipients of unemployment insurance benefits.

The bill is not intended to be punitive to those who rely on these programs, but to identify those with substance abuse problems and assist them in getting the help and job skills needed to be productive members of the job market. The end result must be one that is a responsible, targeted approach to help families overcome the evils of drug addiction and ensure the proper use of welfare and unemployment benefits.

I voted in favor of SB 142 and the House passed it with a vote of 106 to 16.

SPECIAL SESSION FIXES: HARD 50 LAW

After two days of hearing and debate, the 2013 special session drew to a close with the passage of the "Hard 50" legislation. This was preceded with a meeting of the Special Joint Committee which I was honored to serve on wherein we recommended the proposed Hard 50 bill. The special session was called by Governor Brownback to deal with the fix to the "Hard 50" law which prevents the possibility of parole until a minimum of 50 years are served.

The legislature convened on September 3rd for the special session called by Governor Sam Brownback. The "Hard 50" law, as enacted in 1999, provided that in certain cases where the defendant was convicted

of premeditated 1st degree murder and one or more aggravating factors were present, the sentencing court could impose a life sentence without eligibility of parole for 50 years rather than the parole eligibility of 25 years that would have otherwise applied. Kansas appellate courts have repeatedly relied upon *Harris v. United States* to uphold the constitutionality of the "Hard 50" law. In *Harris* the U.S. Supreme Court allowed imposition of mandatory minimum sentences, such as the Kansas "Hard 50" law, based on findings of a judge. However, in *Alleyne v. United States* the U.S. Supreme Court expressly overruled *Harris* and instead ruled that the United States Constitution requires that any fact that increases the minimum sentence for a crime must be found by a jury, not a judge.



Because the Kansas "Hard 50" law followed the process for imposing minimum mandatory sentences as allowed in *Harris* rather than as allowed in *Alleyne*, the legislature passed HB 2002 during the special session. HB 2002 amends the law to require that after a conviction in cases of premeditated murder, the court conduct a separate proceeding as soon as practicable for the jury to determine whether one or more aggravating circumstances outlined in statute exist for the purpose of imposing the 50-year sentence.

I voted in favor of HB 2002 and the House passed it with a vote of 122-0.

2014 LEGISLATIVE SESSION PREVIEW

As we return to Topeka for the start of the 2014 session, the looming topic of discussion will be the anticipated Kansas Supreme Court school finance ruling. At the