

# State's National Guard pursues mission for refueling wing

TOPEKA (AP) — Kansas National Guard officials hope a proposed study of a new mission for Forbes Field could bolster the state's role in homeland security and protect the base from closure. The House and Senate have approved their own versions of a Department of Defense spending bill

that would authorize a study of a proposal to create an airlift wing in Kansas to shuttle federal emergency response teams nationwide in the event of a terrorist attack. Negotiators must work out the final details of the spending bill, but state officials say the progress gives a proposal the Kansas National

Guard has been developing some momentum. The study would be completed by April 1. "The idea needs to stand the scrutiny of a study," said Maj. Gen. Tod Bunting, state adjutant general. Work on the proposal has accelerated in recent months as the state looks to shore up its military instal-

lations before the 2005 Base Realignment and Closure process gets under way. The military is considering eliminating 25 percent of its infrastructure. Concerns have been raised that Forbes and the 190th Air Refueling Wing of the Kansas Air National

Guard could be vulnerable considering their proximity to McConnell Air Force Base in Wichita, which is home to the Air Guard's 184th Refueling Wing and the Air Force's 22nd Air Refueling Wing. Bunting said the proposal doesn't make Forbes immune to closure, but would improve its value to the

military. The base was part of the active duty Air Force until it was handed over to the Kansas National Guard in the 1970s. "It's important for us here in Kansas, and, I mean this seriously, it's important for us to get a handle on this as a nation," he said.

## Judge overrules GOP chair, closes primary

TOPEKA (AP) — Unaffiliated voters will not be allowed to cast ballots in Kansas' Republican primary on Aug. 3, following a judge's decision that the state party chairman "dangerously overstepped his bounds" by declaring it open. "Defending the party's constitution and bylaws necessarily required defending the closed primary," Shawnee County District Judge Charles Andrews said in a 12-page order issued Wednesday. "Therefore, the chairman's ill-advised decision was completely without merit."

Kansas law has mandated closed Republican and Democratic primaries since 1908. The state's Democratic executive committee and state GOP Chairman Dennis Jones decided to open their parties' primaries after Secretary of State Ron Thornburgh concluded the parties — not the state — must decide who participates. Thornburgh was reacting to an April federal appeals court decision.

Susan Estes, the GOP's 4th Congressional District chairwoman, sued both Jones and Thornburgh, arguing that Jones did not have the power under the party's constitution to set such a policy.

Andrews' decision does not affect the Democratic primary. "This is similar to professional baseball's decision to have a designated hitter in one league and not in the other," Andrews wrote. "Kansas voters will survive this ordeal, much like baseball fans across America."

Registered voters can obtain advance ballots from county election officials starting July 14. Thornburgh said Wednesday that with the two parties having different rules, "We have a much greater task in educating voters."

Estes, of course, was pleased with the judge's decision. "I'm grateful that a regular person like me can walk into court and be heard," she said.

Scott Poor, the state GOP's executive director, expressed disappointment. He said Jones has not decided whether he will appeal.

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August," Poor said. "We were trying to open the door for them."

About 716,000 of the state's 1.54 million registered voters are Republicans, and an additional 422,000 are Democrats. Most of the rest are unaffiliated.

Many Republicans and some political scientists had speculated that opening the GOP primary to unaffiliated voters would hurt conservative candidates and help moderate ones.

But Rep. Jeff Goering, a Wichita attorney who represented Estes, said Jones' power was the issue — not his intent, nor which candidates Jones' decision might help.

"At the end of the day, I'm just pleased the court is requiring the chairman to follow the rules and regulations of the party," Goering said in a telephone interview.

In his decision, Andrews said the party's constitution assumes the GOP primary will be closed, although it does not explicitly say so. The judge called Jones' decision "ill-advised" and "completely without merit."

"The chairman proceeded in clear violation of the very rules he was elected to protect. This was a thinly veiled attempt to bypass the party members he serves," Andrews wrote. "Chairman Jones dangerously overstepped his bounds by straining the very essence of the party's constitution and bylaws."

The judge said that because Jones' decision was "null and void," the Republican Party was not at odds with the state law requiring a closed primary — making a ruling on the law's constitutionality unnecessary.

## Court hears arguments over school sales tax

TOPEKA (AP) — An attorney for four Wyandotte County school districts told the state Court of Appeals on Wednesday that a Johnson County sales tax dedicated to education is unconstitutional and causes irreparable harm to students.

The case, though not directly related, was a preview of arguments to be made Aug. 30 before the Kansas Supreme Court over the constitutionality of the state's school fi-

nance system and the ability of school districts to provide all children with a suitable education.

Patricia Brannan, an attorney for the Wyandotte County schools and parents who filed the lawsuit, asked the court to reverse a Johnson County District Court ruling allowing the distribution of approximately \$42 million over three years in sales tax revenue to Johnson County schools.

Brannan said allowing the tax put Wyandotte County schools at a competitive disadvantage and denied students there an education as good as the one for students across the county line. It's also unfair to poorer districts that lack the economic base to enact a similar levy.

"This simply cannot be squared with the school finance law," Brannan said.

The Wyandotte County school

districts filed the lawsuit in March 2003, attempting to block Johnson County from using a voter-approved countywide sales tax to benefit schools. The quarter-percent sales tax was approved in 2002 and is scheduled to last for three years.

Joe Hatley, an attorney for Johnson school districts, said every county is permitted to give funds to schools to improve the economic climate, if voters approve.

# This is what they're ALL TALKING ABOUT!

## Following nine deaths, state to increase inspections

PEABODY (AP) — After a series of deadly accidents on a stretch of U.S. 50, the Kansas Highway Patrol plans to increase the number of random inspections of tractor-trailers in the area.

Since May 10, nine people have died in collisions involving semi-trailers along the highway, about three miles east of this town of 1,500. Seven people died last week in two accidents on the highway, which is under construction.

Lt. Brad Runyan said the inspections, conducted by the patrol's Motor Carrier Safety Program, will check log books, the condition of truck drivers and their rigs, including brakes and headlights. Extra troopers will also patrol the area.

"Also, we're working with (the Kansas Department of Transportation) and others to improve traffic safety in the area," Runyan said.

A six-car accident claimed the lives of five people Tuesday, a day after a similar collision left two dead at the same location. In both

instances, the patrol said, a tractor-trailer collided with a passenger vehicle that had stopped or slowed near where the two-lane highway is restricted to one lane by construction.

The patrol is still investigating the accidents, Runyan said, but preliminary evidence suggests the truck drivers, in both cases, may have been sleepy at the time of the collisions.

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