

Other Viewpoints

Tougher rules for traffic laws can improve safety

If it weren't for a daunting budget deficit, this might be the year of traffic laws for the Kansas Legislature.

Among the proposed traffic laws are two safety measures — making the seat-belt law a primary traffic infraction and banning texting while driving.

The primary seat-belt law seems a no-brainer only because the state already has a secondary seat-belt law. That means that a person can be ticketed for not wearing a seat belt but only if pulled over for another traffic infraction. Making it primary would mean that an officer could pull a driver over just for the lack of seat belt.

We suppose opponents worry about traffic cops being overzealous, but we don't see much of a problem with that now, other than the occasional story of a stealthy speed trap here or there.

If wearing the seat belt is the law, then it should be enforced. Seat belts save lives, and a tougher law would earn Kansas an estimated \$11 million in federal highway money now being held back.

The primary seat-belt law passed the Senate this week, but it could face a tougher go in the House.

We suppose if wearing a seat belt should be the law, then it isn't hard to make the leap to a prohibition on texting while driving.

It seems premature to outlaw that, but we all know a driver shouldn't be texting when he is driving. It is a potentially dangerous distraction. Hands-free devices allow some argument that cell phone use can be safe enough, but thumbing away on a phone, no matter how skilled the texter may be, clearly diverts attention from the road.

It may sound contradictory to suggest a secondary texting law — making it a ticketed infraction only when someone is stopped for another traffic offense — but maybe we need more data on the dangers of texting while driving. Chances are that someone texting while driving first will be observed driving through a stop sign, weaving or speeding. Either way, some regulation of this practice is hard to argue against.

— *The Hutchinson News, via The Associated Press*

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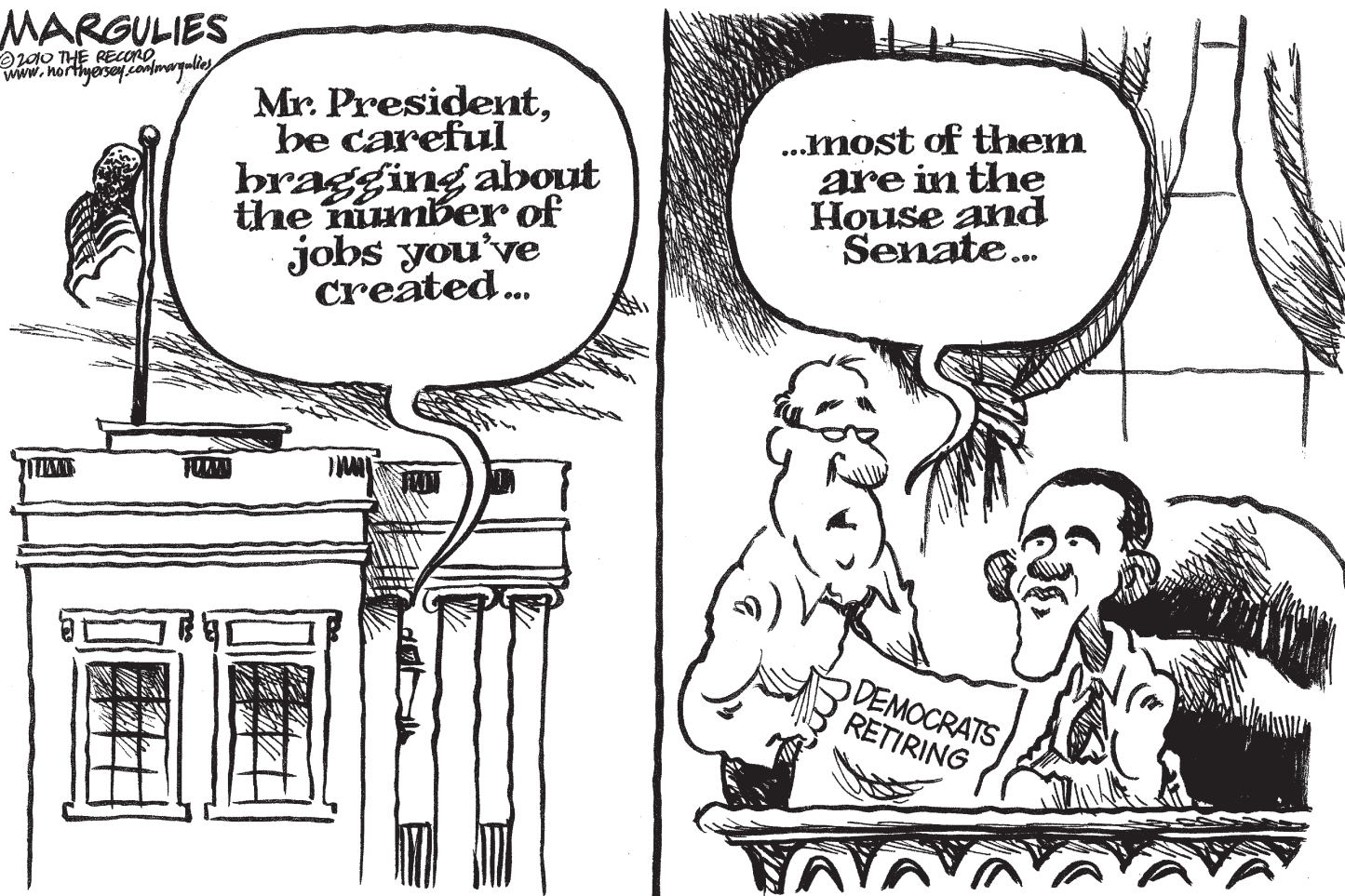
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Consolidation can be overdone

To the Editor:

A new proposal for forced school consolidation came up at the Brewster City Council meeting this month, as word reached the town about a legislative audit report. One proposal would force the Brewster Schools to consolidate with Colby.

I have no problem with consolidation. Let's just bus all Kansas students to Wichita. And while we're at it, let's consolidate our legislative delegation to 10 at both state and federal levels. Then we can have one school, one Walmart and one gas station per state!

Where is the common sense in this? It reminds me of the single farmer who thinks he is going to farm the whole state, it may look good and sound like he can do it all, but it isn't possible, feasible or sustainable.

I realize that having a teacher for five kids and a para for each at-risk student, or complying with No Child Left Behind, doesn't pay. With good leaders, you invest in your future.

I would assume that most of us are paying some property taxes, so I suggest we should



Free Press Letter Drop

- Our readers sound off

start another private school and withhold your taxes from the state until we get fair representation (if land representation by the constitution hadn't been lost). Population centers will eventually win it all — the East Coast and West Coast, not Colby, Goodland or even Kansas City.

Remember these two things: First, consolidation won't stop at just Colby. I would wager that in the percentages of graduates from college over say 10 years, Brewster High would beat that of Colby or Goodland.

One step farther is the issues everyone misses: "the quality of teachers and parents who

care versus those who don't care." Just look around. I know of several "well" educated people who have not a clue of what has happened and continues to happen in this country or even with the kids. We have an economic crisis but we also have a parenting crisis — no discipline.

We have some very qualified teachers in Brewster, as I am sure you do in Colby. We also have some that we can't seem to get rid of — they retire and they keep paying them to stay on because they have no other life.

The faster we get away from this kind of government, the better off we all will be in caring for ourselves and others. Most people are afraid to ask questions and take our government officials to task. I would call it the "dumbing down of America," but that might offend someone.

Those who do challenge the system are and will always be the leaders.

It just takes a little common sense,
Mike Schultz, Brewster

School funds not for every expense

Many questions have been asked about using various school funds to help weather this recession storm. I decided to refresh my memory on the criteria for a couple of these funds, and I would like to share some of the information:

School districts can only spend money from capital outlay funds for capital expenses, including acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings. This can include architectural expenses, acquisition of building sites, asbestos control projects, acquisition of school buses and acquisition of other equipment. It is not legal to use the levy for any other purpose, even if they have a surplus.

Contingency reserve funds money transferred from the general fund to pay unforeseen operating expenses. School districts can maintain a balance in the fund equal to 10 percent of the district's general fund. The school board determines the contingency and the money to be spent, so this money may be available to fill a budget gap.

This has been a busy week in the Senate chamber. The following are highlights of the major legislation debated and how the Senate voted on each measure:

Senate Sub. for House Bill 2222: This is the rescission bill, making cuts for the current 2010 fiscal year. The conference committee added \$550,000 from the state General Fund to the Legislative Coordinating Council. The governor's budget recommendation accounted for an 83-day session and the addition was made in case the session is longer. The committee also reduced the franking (postage) allowance of each member of the Legislature by 50 percent for calendar year 2010.

In addition, \$2.4 million from the general fund was added to restore Gov. Mark Parkinson's 10 percent cut in Medicaid reimbursements for home- and community-based services for those with developmental disabilities. By restoring the money, the state will receive an additional \$5.5 million in federal funds.

The committee added language to the bill that directs the Kansas Health Policy Authority to evaluate and describe short- and long-term options, adjustments and improvements to the state Medicaid plan in addition to other administrative actions to reduce costs. It is required to consult with other agencies and the Legislature on the potential changes and actions and report back to the Senate Public Health and Welfare Committee, the appropriate Senate Ways and Means Subcommittee and the House Health and Human Services, Aging and Long Term Care and Social Services Budget Committees on or before March 10.

Finally, the committee reduced salaries of all state officers by 5 percent, saving \$955,522 this year. The reductions include statewide elected officials; department secretaries and



Ralph Ostmeyer

- State Senator

chief executive officers; members of boards, councils or authorities; legislators; legislative leadership and staff; judges and justices; and other positions authorized by law.

The conference committee report for S. Sub. for House Bill 2222 passed 33 to 6 on Thursday, Feb. 18.

Senate Bill 375, Death Penalty Repeal: SB 375 repeals the crime of capital murder and removes the death penalty as a sentencing option for crimes committed on or after July 1. The bill does not affect the sentence for a person sentenced to death prior to that date.

The measure creates the crime of aggravated murder in place of capital murder. The penalty for conviction of aggravated murder is life without parole and no possibility for reduction of a sentence.

SB 375 failed on a 20-20 tie vote on Friday, Feb. 19.

Senate Bill 351, Text Message Ban: SB 351 makes it unlawful for a person to use a handheld wireless communication device for text messaging or e-mail while driving. A first conviction would be a traffic offense and second or subsequent convictions are a class B misdemeanor. Persons convicted of text messaging or e-mailing while driving, who cause serious injury to another person would be guilty of a class A misdemeanor.

The bill does not include voice-operated or hands-free devices or classify emergency, traffic or weather alert messages as a text message. It is not unlawful to activate or deactivate a feature of a voice-operated or hands-free device or to read, select and enter a telephone number or name in a handheld wireless communication device for the purpose of making or receiving a phone call. SB 351 passed 34 to 6 on Friday, Feb. 19.

Senate Bill 381, Justified Threat or Use of Force: SB 381 amends current law by adding "threat of force" as an action of force a person may use when needed to defend themselves, others or property. The bill provides a rebuttable presumption that the person had a reasonable belief such force or threat of force was necessary to prevent or end the attack. In situations where deadly force is the issue, the measure provides a rebuttable presumption that the person had a reasonable belief that such deadly force or threat of deadly force was necessary to prevent death or great bodily harm. SB 381 passed 40 to 0 on Thursday, Feb. 18.

Senate Bill 353, Human Trafficking: SB

353 renames the existing crimes of trafficking and aggravated trafficking to human trafficking and aggravated human trafficking. The measure expands the crime to include coercing employment and involuntary servitude. Also, the bill clarifies that using the labor of an individual incarcerated in a correctional facility does not constitute human trafficking. Human trafficking remains a severity level 2, person felony in the bill and human trafficking and aggravated human trafficking would be added to the list of crimes subject to forfeiture. SB 353 passed 40 to 0 on Tuesday, Feb. 16.

Senate Bill 430, Limitations to Income Tax Credits: SB 430 makes several changes to legislation approved during the 2009 session that provided a 10 percent reduction for various income tax credits.

In addition, the measure repeals the \$3.75 million cap for tax years 2009 and 2010 that had been placed on historic preservation income tax credits and replaces the cap with a general limitation intended to reduce the credits by exactly 10 percent. For tax year 2010, the bill also replaces the 10 percent reduction for regional foundation tax credits with a 10 percent reduction in a cap for fiscal year 2011. SB 430 passed 29 to 7 on Tuesday, Feb. 16.

Senate Bill 483, Safety Belts: SB 483 requires each adult occupant of a passenger vehicle with manufactured safety belts to have a safety belt on when the car is in motion. Current law requires persons under the age of 18 and adults in the front seat to use safety belts. The bill allows officers to stop a vehicle if an adult occupant is not wearing a safety belt and increases the fine for not wearing a safety belt from \$30 to \$60, including costs. From the effective date until June 30, officers would be required to issue a warning citation for not wearing a safety belt. After June 30, violators would be ticketed.

If passed, the state would become eligible for more than \$11 million in federal transportation funds. SB 483 passed 26 to 14 on Tuesday, Feb. 16.

Senate Bill 362, School Districts and Contracts of Employment: SB 362 amends the continuing teacher contract law to allow a school board to adopt a resolution giving notice of the board's intent to not renew teacher contracts after May 1 but no later than June 1, in years where education appropriations are finalized after April 16. In that situation, teachers would have until June 15 to give notice of their intent to not renew the teaching contract. SB 362 passed 30 to 10 on Tuesday, Feb. 16.

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